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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C., and is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

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This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

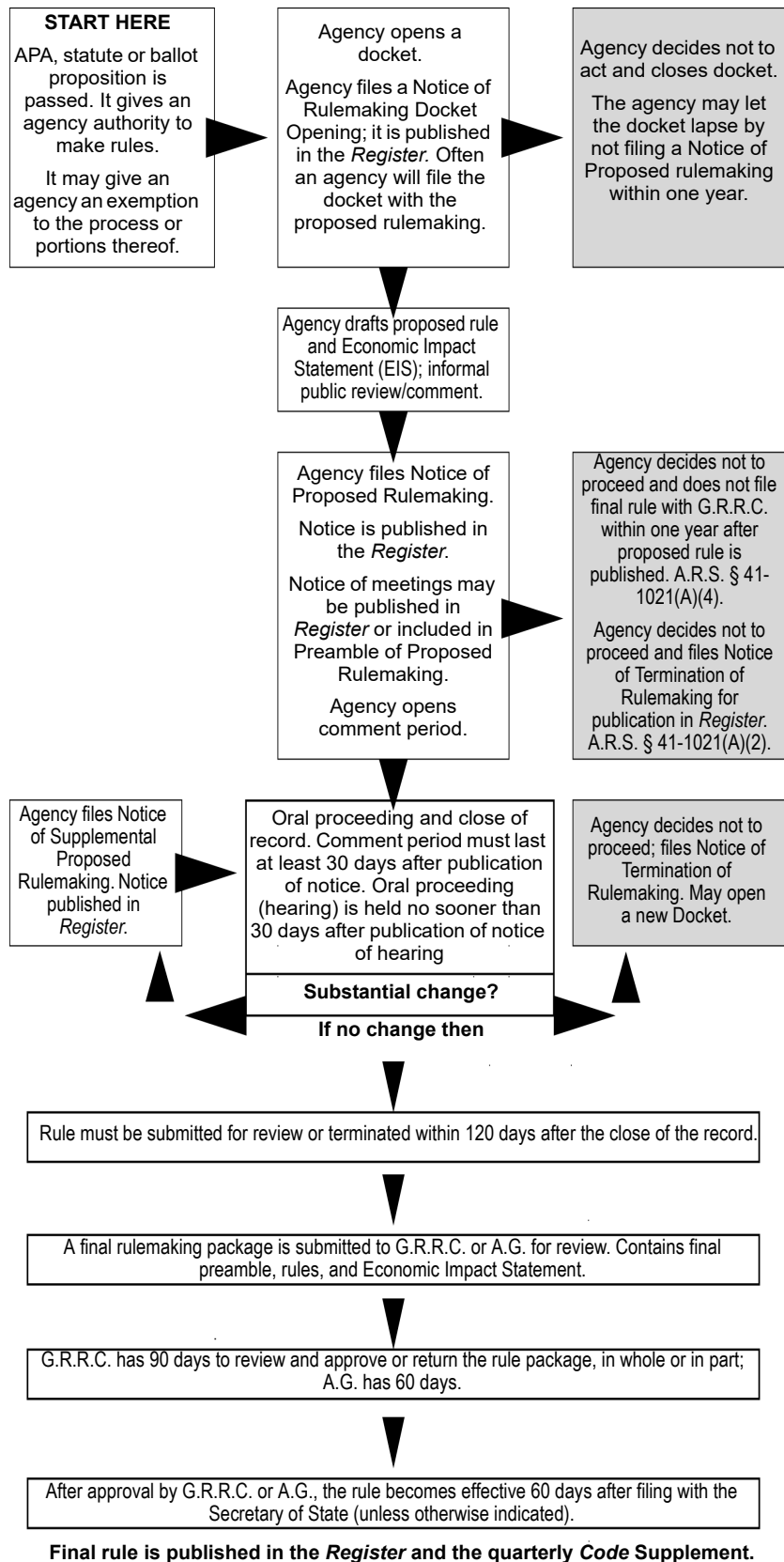
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the *Administrative Procedure Act* (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 1. BOARD OF ACCOUNTANCY

[R18-115]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

R4-1-226.01	<u>Rulemaking Action</u>
R4-1-343	Amend
R4-1-453	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 32-703(B)(7)
 Implementing statute: A.R.S. § 32-703(B)(4), (6), and (13)
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 1752, June 22, 2018 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**
 Name: Monica L. Petersen, Executive Director
 Address: Board of Accountancy
 100 N. 15th Ave., Suite 165
 Phoenix, AZ 85007
 Telephone: (602) 364-0870
 Fax: (602) 364-0903
 E-mail: mpetersen@azaccountancy.gov
 Website: www.azaccountancy.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 R4-1-226.01 and R4-1-343. The application and examination rule, R4-1-226.01, and education and accounting experience rule, R4-1-343, are amended to reduce fraud and ensure a consistent comparative analysis by requiring that course-by-course evaluations be done by the National Association of State Boards of Accountancy International Evaluation Services (NIES) rather than from a service that is a member of either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE). NIES evaluates international education for the sole purpose of the CPA examination and CPA certification in the United States. When originally drafted, the Board's rules assumed that it would primarily need to evaluate certificate applicants from the U.S. who completed education outside of the United States. Based on this assumption, the need to evaluate a foreign academic transcript was expected to only be an occasional endeavor. However, with the international offering of the Exam, the Board has experienced a nearly 60% increase in the receipt and processing of initial exam applications between 2014 and 2017. It is believed that the 38 NACES and AICE member evaluators do not provide the same rigor in their evaluation of transcripts, including protection from fraud and abuse in the Exam application process, as is offered through NIES. NIES' mission in upholding the integrity of the U.S. CPA credential through expert evaluation of international coursework and stringent authentication of education will eradicate waste and inefficiency by reducing the number of applications received, as NIES will be able to provide a level of rigor in evaluation that has not been observed in other foreign transcript evaluators.



R4-1-226.01 is additionally amended to permit the Board to request additional information or documents to assist in the determination of compliance with eligibility requirements.

R4-1-453. This rule is amended to reduce a regulatory burden by only requiring 80 hours of continuing professional education (CPE) to be reported rather than the total CPE hours completed for the registration period. Modifications are also made to CPE record retention requirements by requiring that registrants maintain CPE records for three years for all CPE completed for the registration period, even if not reported on the registration. This language is essential to protect the registrant and allow them to offer evidence of additional CPE taken during the renewal period if, through the review of CPE, it is determined that the registrant is short CPE.

This rule is also amended to allow a registrant who is certified as a CPA in another jurisdiction from having to meet the individual CPE requirements of Arizona, so long as the registrant meets the CPE requirement of his or her home jurisdiction. This change ensures that CPAs continue to meet CPE requirements while also reducing the burden of meeting Arizona-specific CPE requirements.

Lastly, the rule is amended to allow for a new delivery method of CPE instruction called “nano-learning”, which is a tutorial program designed to permit a participant to conveniently learn a given subject in a 10-minute time frame. Registrants would be allowed to report a maximum of four hours of nano-learning in total. This change and other clarifying changes provide registrants greater flexibility in meeting CPE requirements.

Technical and conforming changes are also made to the rules.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Requiring course-by-course evaluations to be done by NIES is not expected to have any significant consumer impact as applicants are currently required to pay for such evaluations for education taken outside the United States from NACES or AICE member evaluators. This amendment may have a fiscal impact to the Board as NIES evaluation services are more effective, thorough, and reduce fraud which may encourage applicants to apply through a jurisdiction that does not use NIES. NIES serves 51 of the 55 jurisdictions with a Board of Accountancy and is currently sole provider for 20 jurisdictions with several others in the pipeline to go sole source.

Amendments to R4-1-453 are not expected to have any economic, small business or consumer impact. In fact, CPAs who qualify for CPE reciprocity will save time and money by no longer having to take a one-hour ethics course specific to Arizona statutes and administrative rules.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Monica L. Petersen, Executive Director
Address: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007
Telephone: (602) 364-0870
Fax: (602) 364-0903
E-mail: mpetersen@azaccountancy.gov
Website: www.azaccountancy.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: July 30, 2018
Time: 9:00 a.m.
Location: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007

The rulemaking record will close on Monday, July 30, 2018 at 5:00 p.m.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There is no federal law regarding CPAs, CPE requirements for CPAs, CPA examination requirements, or any other sub-



jects of the rules.

- c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitive-ness of business in this state to the impact on business in other states:**
No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

ARTICLE 2. CPA EXAMINATION

Section
R4-1-226.01. Applications; Examination – Computer-based

ARTICLE 3. CERTIFICATION AND REGISTRATION

Section
R4-1-343. Education and Accounting Experience

ARTICLE 4. REGULATION

Section
R4-1-453. Continuing Professional Education

ARTICLE 2. CPA EXAMINATION

R4-1-226.01. Applications; Examination - Computer-based

- A. A person desiring to take the Uniform Certified Public Accountant Examination who is qualified under A.R.S. § 32-723 may apply by submitting an initial application. A person whose initial application has already been approved by the Board to sit for the Uniform CPA Examination may apply by submitting an application for re-examination.
1. The requirements for initial application for examination are:
 - a. A completed application for initial examination,
 - b. A \$100 initial application fee if:
 - i. The applicant has not previously filed an application for initial examination in Arizona, or
 - ii. The Board administratively closed a previously submitted application, or
 - iii. The applicant has been previously denied by the Board.
 - c. University or college transcripts to verify that the applicant meets the educational requirements and if necessary for education taken outside the United States an additional course-by-course evaluation from ~~a foreign transcript evaluation service that is a member of either the National Association of Credential Evaluation Services or the Association of International Credential Evaluators~~ the National Association of State Boards of Accountancy International Evaluation Services (NIES).
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
 2. The requirements for application for re-examination are:
 - a. A completed application for re-examination, and
 - b. A \$50 re-examination application fee.
- B. Within 30 days of receiving an initial application, board staff shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing. The applicant has 30 days from the date of the Board's letter to respond to the Board's request for additional information or the Board or its designee may administratively close the file. An applicant whose file is administratively closed and who later wishes to apply shall reapply under subsection (A)(1).
- C. The Board's certification advisory committee (CAC) shall evaluate the applicant's file and make a recommendation to the Board to approve or deny the application. The CAC may defer a decision on the applicant's file to a subsequent CAC meeting to provide the applicant opportunity to submit any information requested by the CAC that the CAC believes is relevant to make a recommendation to the Board. The applicant has 30 days from the date of the Board's letter to respond to the CAC's request for additional information or the Board or its designee may administratively close the file. If the CAC recommends approval, the application shall be put on a future board meeting agenda for consent. If the CAC recommends denial, the application will be put on a future board meeting agenda and the CAC shall provide the Board with the reasons for the recommendation of denial.
- D. If the Board approves the application, the Board shall notify the applicant in writing and send an authorization to test (ATT) to the National Association of State Boards of Accountancy (NASBA) to permit the applicant to take the specified section or sections of the examination for which the applicant applied. If the Board denies the application, the Board shall notify the applicant in writing of the reasons the application was denied.
- E. If the applicant does not timely pay to the NASBA the fees owed for the examination section or sections for which the applicant applied, the ATT expires. An applicant that still wishes to take a section or sections of the Uniform CPA Examination shall submit an application for reexamination under subsection (A)(2).
- F. After an applicant has paid NASBA, NASBA shall issue a notice to schedule (NTS) to the applicant. A NTS enables an applicant to schedule testing at an approved examination center. The NTS is effective on the date of issuance and expires when the applicant sits



for all sections listed on the NTS or six months from the date of issuance, whichever occurs first. Upon written request to the Board and showing good cause that prevents the applicant from appearing for the examination, an applicant may be granted by the Board a one-testing-window extension to a current NTS.

ARTICLE 3. CERTIFICATION AND REGISTRATION

R4-1-343. Education and Accounting Experience

- A. To demonstrate compliance with the experience requirements of A.R.S. § 32-721(B), an applicant for certification by examination or grade transfer shall submit to the Board:
 1. One or more certificates of experience, completed, signed and dated by an individual who:
 - a. Possesses personal knowledge of the applicant's work, and
 - b. Is able to confirm the applicant's accounting experience, and
 - c. Is a certified public accountant; or
 - d. Has accounting education and experience similar to that of a certified public accountant; and
 2. Other information requested by the Board for explanation or clarification of experience.
- B. To demonstrate compliance with the experience requirements of A.R.S. § 32-721(C), an applicant for certification by reciprocity shall submit to the Board:
 1. One or more certificates of experience, completed, signed and dated by an individual who:
 - a. Possesses personal knowledge of the applicant's work, and
 - b. Is able to confirm the applicant's accounting experience, and
 - c. Is a certified public accountant; or
 - d. Has accounting education and experience similar to that of a certified public accountant; or
 2. If the applicant is self-employed, the applicant shall provide a signed and dated statement indicating self-employment and three signed and dated client letters, confirming years of work experience, and
 3. Other information requested by the Board for explanation or clarification of experience.
- C. To demonstrate compliance with the education requirements of Title 32, Chapter 6, an applicant for certification or reinstatement shall submit to the Board:
 1. University or college transcripts verifying that the applicant meets the educational requirements and if necessary for education taken outside the United States, an additional course-by-course evaluation from ~~a foreign transcript evaluation service that is a member of either the National Association of Credential Evaluation Services or the Association of International Credential Evaluators~~ the National Association of State Boards of Accountancy International Evaluation Services (NIES), and
 2. Other information requested by the Board for explanation or clarification of education.

ARTICLE 4. REGULATION

R4-1-453. Continuing Professional Education

- A. Measurement Standards. The Board shall use the following standards to measure the hours of credit given for CPE programs completed by an individual registrant.
 1. CPE credit shall be given in one-fifth or one-half hour increments for periods of not less than one class hour except as noted in paragraph 9. The computation of CPE credit shall be measured as follows:
 - a. A class hour shall consist of a minimum of 50 continuous minutes of instruction and
 - b. A half-class hour shall consist of a minimum of 25 continuous minutes of instruction;
 - c. CPE credit shall be given in half hour increments for periods of not less than one class hour. Credit shall not be allowed for repeat participation in any seminar or course during the registration period. A one-fifth class hour shall consist of a minimum of 10 continuous minutes of instruction.
 2. Courses taken at colleges and universities apply toward the CPE requirement as follows:
 - a. Each semester - system credit hour is worth 15 CPE credit hours,
 - b. Each quarter - system credit hour is worth 10 CPE credit hours, and
 - c. Each noncredit class hour is worth one CPE credit hour.
 3. Each correspondence program hour is worth one CPE credit hour.
 4. Acting as a lecturer or discussion leader in a CPE program, including college courses, may be counted as CPE credit. The Board shall determine the amount of credit on the basis of actual presentation hours, and shall allow CPE credit for preparation time that is less than or equal to the presentation hours. A registrant may only claim as much preparation time as is actually spent for a presentation. Total credit earned under this subsection for service as a lecturer or discussion leader, including preparation time may not exceed 40 credit hours of the renewal period's requirement. Credit is limited to only one presentation of any seminar or course with no credit for repeat teaching of that course.
 5. Writing and publishing articles or books that contribute to the accounting profession may be counted for a maximum of 20 hours of CPE credit during each renewal period.
 - a. Credit may be earned for writing accounting material not used in conjunction with a seminar if the material addresses an audience of certified public accountants, is at least 3,000 words in length, and is published by a recognized third-party publisher of accounting material or a sponsor.
 - b. For each 3,000 words of original material written, the author may earn two credit hours. Multiple authors may share credit for material written.
 6. A registrant may earn a combined maximum of 40 hours of CPE credit under subsections (A)(4) and (5) above during each renewal period.



7. A registrant may earn a maximum of 20 hours of CPE during each renewal period by completing introductory computer-related courses. Computer-related courses may qualify as consulting services pursuant to subsection (C).
8. A registrant may earn a maximum of 4 hours of CPE during each renewal period by completing nano-learning courses. A nano-learning program is a tutorial program designed to permit a participant to learn a given subject in a ten-minute time frame through the use of electronic media and without interaction with a real time instructor.
9. CPE credit shall be given in one-fifth or one-half hour increments if the CPE is a segment of a continuing series related to a specific subject as long as the segments are connected by an overarching course that is a minimum of one hour and taken within the same CPE reporting period.
10. Credit shall not be allowed for repeat participation in any seminar or course during the registration period.
- B. Programs that Qualify. CPE credit may be given for a program that provides a formal course of learning at a professional level and contributes directly to the professional competence of participants.
 1. The Board shall accept a CPE course as qualified if it:
 - a. Is developed by persons knowledgeable and experienced in the subject matter,
 - b. Provides written outlines or full text,
 - c. Is administered by an instructor or organization knowledgeable in the program, and
 - d. Uses teaching methods consistent with the study program.
 2. The Board shall accept a correspondence program which includes online or computer based programs if the sponsors maintain written records of each student's participation and records of the program outline for three years following the conclusion of the program.
 3. An ethics program taught or developed by an employer or co-worker of a registrant does not qualify for the ethics requirements of subsection (C)(4).
- C. Hour Requirement. As a prerequisite to registration pursuant to A.R.S. § 32-730(C) or to reactivate from inactive status pursuant to A.R.S. § 32-730.01, a registrant shall complete the CPE requirements during the two-year period immediately before registration as specified under subsections (C)(1) through (C)(5). For registration periods of less than two years CPE may be prorated, with the exception of ethics.
 1. A registrant whose last registration period was for two years shall complete 80 hours of CPE.
 2. A registrant shall complete a minimum of 50 percent of the required hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 16 hours in the subject areas of accounting, auditing, or taxation.
 3. A registrant shall complete a minimum of 16 of the required hours:
 - a. In a classroom setting,
 - b. Through an interactive live webinar, or
 - c. By acting as a lecturer or discussion leader in a CPE program, including college courses
 4. A registrant shall complete four hours of CPE in the subject area of ethics. The four hours required by this subsection shall include a minimum of one hour of each of the following subjects:
 - a. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants, and
 - b. Board statutes and administrative rules.
 5. A registrant shall report, at a minimum, the total CPE hours completed required for the registration period.
 6. Hours that exceed the number required for the current registration period may not be carried forward to a subsequent registration period.
 7. Any CPE hours completed to vacate a suspension for nonregistration or for noncompliance with CPE requirements may not be used to meet CPE requirements for the registration period.
 68. As a prerequisite to reactivate from retired status or reinstate from cancelled, expired, relinquished or revoked status, a registrant or an applicant shall complete up to 160 hours of CPE during the four-year period immediately before application to reactivate or reinstate. For periods of less than four years CPE may be prorated by quarter, with the exception of ethics.
 - a. ~~An A registrant or an~~ applicant shall complete a minimum of 50 percent of the required hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 32 hours in the subject areas of accounting, auditing or taxation.
 - b. ~~An A registrant or an~~ applicant shall complete a minimum of 32 hours of the required hours:
 - i. In a classroom setting,
 - ii. Through an interactive live webinar, or
 - iii. By acting as a lecturer or discussion leader in a CPE program, including college courses.
 - c. ~~An A registrant or an~~ applicant shall complete eight hours of CPE in the subject area of ethics. Four hours of ethics CPE shall be required if 1 – 24 months have passed since the last registration due date for which CPE was completed. Eight hours of ethics CPE shall be required if 25 – 48 months have passed since the last registration due date for which CPE was completed. The eight hours required by this subsection shall include a minimum of one hour of each of the following subjects. The following subjects shall be completed during the two-year period immediately preceding application for reactivation or reinstatement:
 - i. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants; and
 - ii. Board statutes and administrative rules.
 - D. Reporting: ~~An A registrant or an~~ applicant for reactivation or reinstatement, a registrant who is subject to an audit, or a registrant completing their registration must report the following details about their completed CPE:
 1. Sponsoring organization;
 2. Number of CPE credit hours;
 3. Title of program or description of content; and



4. Dates attended.
- E. In addition to the information required under subsection (D), ~~as a registrant or an~~ applicant for ~~reactivation or~~ reinstatement from cancelled, expired, relinquished or revoked status, or a registrant subject to a CPE audit pursuant to subsection (G) shall provide the Board the following ~~documents~~ CPE records at its request: copies of transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.
- F. CPE Record Retention: A registrant shall maintain CPE records for three years from the date ~~their~~ the registration ~~application~~ was dated as received by the Board the following documents for all CPE completed for the registration period, even if not reported on the registration: transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.
- G. CPE audits: The Board, at its discretion, may conduct audits of a registrant's CPE and require that the registrant provide the CPE records that the registrant is required to maintain under subsection (F) to verify compliance with CPE requirements.
- H. The Board may grant a full or partial exemption from CPE requirements on demonstration of good cause for a disability for only one registration period.
- I. A non-resident registrant seeking renewal of a certificate in this state shall be determined to have met the CPE requirements of this rule by meeting the CPE requirements for renewal of a certificate in the jurisdiction in which the registrant's principal place of business is located.
 1. Non-resident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the jurisdiction in which the registrant's principal place of business is located by signing a statement to that effect on the renewal application of this state.
 2. If a non-resident registrant's principal place of business jurisdiction has no CPE requirements for renewal of a certificate or license, the non-resident registrant must comply with all CPE requirements for renewal of a certificate in this state.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

[R18-105]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

R9-22-712.35	<u>Rulemaking Action</u>
R9-22-712.61	Amend
R9-22-712.71	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 36-2903.01(A)
Implementing statute: A.R.S. § 36-2903.01(G)(12)
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 24 A.A.R. 1754, June 22, 2018 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

AHCCCS Differential Adjusted Payment (DAP) initiatives are strategically designed to reward quality outcomes and reduce growth in the cost of health care. The objective of DAP delineated in this proposed rulemaking is to reward hospital providers that have taken designated actions to improve patients' care experience, improve members' health, and reduce the growth of the cost of care. Hospitals which satisfy the requirements delineated in rule will receive increased payments from the AHCCCS Administration and Contractors for inpatient and outpatient services. The proposed DAP rules represent the AHCCCS Administration's expanding efforts to enhance accountability of the health care delivery system. The proposed rulemaking will amend and clarify rules specifying requirements for receipt of DAP for qualifying hospitals for both inpatient and outpatient services for the time period of October 1, 2018 through September 30, 2019. The proposed rulemaking will authorize AHCCCS to continue rewarding innovative activities and broaden the reach of the present model, emphasizing improved patient care and reduced growth in the cost of care.



6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

A study was not referenced or relied upon when revising these regulations.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Administration anticipates that the DAP rulemaking will result in approximately \$79.5 million of additional payments for the contract year October 1, 2018 through September 30, 2019 to 107 hospitals if all potentially qualifying hospitals take designated actions to improve patients' care experience, improve members' health, and reduce the growth of the cost of care for inpatient and outpatient services.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS website. Please send comments to the above address by the close of the comment period, 5:00 p.m., July 23, 2018.

Date: July 23, 2018
Time: 9:00 a.m.
Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: July 23, 2018
Time: 9:00 a.m.
Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: July 23, 2018
Time: 9:00 a.m.
Location: 2717 N. 4th St., Suite 130
Flagstaff, AZ 86004
Nature: Public Hearing

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None



13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

ARTICLE 7. STANDARDS FOR PAYMENTS

Section

- R9-22-712.35. Outpatient Hospital Reimbursement: Adjustments to Fees
- R9-22-712.61. DRG Payments: Exceptions
- R9-22-712.71. Final DRG Payment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-712.35. Outpatient Hospital Reimbursement: Adjustments to Fees

- A. For all claims with a begin date of service on or before September 30, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule established under R9-22-712.20 (except for laboratory services and out-of-state hospital services) for the following hospitals submitting any claims:
 - 1. By 48 percent for public hospitals on July 1, 2005, and hospitals that were public anytime during the calendar year 2004;
 - 2. By 45 percent for hospitals in counties other than Maricopa and Pima with more than 100 Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
 - 3. By 50 percent for hospitals in counties other than Maricopa and Pima with 100 or less Medicare PPS beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
 - 4. By 115 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the criteria during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective;
 - 5. By 113 percent for a Freestanding Children's Hospital with at least 110 pediatric beds during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective; or
 - 6. By 14 percent for a University Affiliated Hospital which is a hospital that has a majority of the members of its board of directors appointed by the Board of Regents during the contract year in which the Outpatient Capped Fee-for-service Schedule rates are effective.
- B. For all claims with a begin date of service on or after October 1, 2011, AHCCCS shall increase the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services) for the following hospitals. A hospital shall receive an increase from only one of the following categories:
 - 1. By 73 percent for public hospitals;
 - 2. By 31 percent for hospitals in counties other than Maricopa and Pima with more than 100 licensed beds as of October 1 of that contract year;
 - 3. By 37 percent for hospitals in counties other than Maricopa and Pima with 100 or fewer licensed beds as of October 1 of that contract year;
 - 4. By 100 percent for hospitals designated as Critical Access Hospitals or hospitals that have not been designated as Critical Access Hospitals but meet the critical access criteria;
 - 5. By 78 percent for a Freestanding Children's Hospital with at least 110 pediatric beds as of October 1 of that contract year; or
 - 6. By 41 percent for a University Affiliated Hospital, this is a hospital that has a majority of the members of its board of directors appointed by the Arizona Board of Regents.
- C. In addition to subsections (A) and (B), an Arizona Level 1 trauma center as defined by R9-22-2101 shall receive a 50 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services and out-of-state hospital services) for Level 2 and 3 emergency department procedures.
- D. Hospitals with greater than 100 pediatric beds not receiving an increase under subsection (B) shall receive an 18 percent increase to the Outpatient Capped Fee-for-service Schedule (except for laboratory services, and out-of-state hospital services).
- E. For outpatient services with dates of service from October 1, ~~2017~~2018 through September 30, ~~2018~~2019, the payment otherwise required for outpatient hospital services provided by qualifying hospitals shall be increased by a percentage established by the administration. The percentage is published on the Administration's public website as part of its fee schedule subsequent to the public notice published no later than September 1, ~~2017~~2018. ~~To qualify, by May 15, 2017, the hospital must have executed an agreement with and electronically submitted laboratory, radiology, transcription, and medication information, plus admission, discharge, and transfer information (including data from the hospital emergency department), to a qualifying health information exchange organization. A hospital will qualify for an increase if it meets either or both of the following criteria:~~
 - 1. By June 15, 2018 submit a Letter of Intent to AHCCCS and a qualifying Health Information Exchange (HIE) organization in which the hospital agrees to achieve the following:
 - a. By July 31, 2018, execute an agreement with a qualifying HIE organization;
 - b. By October 31, 2018, approve and authorize a formal scope of work with a qualifying HIE to develop and implement the data exchange necessary to meet the requirements in subsections (E)(1)(c) and (E)(1)(d);
 - c. By March 31, 2019, electronically submit admission, discharge, and transfer information (including data from the hospital emergency department) to a qualifying HIE;
 - d. By June 30, 2019, electronically submit laboratory, radiology, transcription, and medication information, and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions,



active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination to a qualifying HIE;

2. By May 1, 2018 hold a Pediatric-Prepared Emergency Care certification from the Arizona Chapter of the American Academy of Pediatrics.

F. Fee adjustments made under subsection (A), (B), (C), (D), and (E) are on file with AHCCCS and current adjustments are posted on AHCCCS' web site.

R9-22-712.61. DRG Payments: Exceptions

A. Notwithstanding section R9-22-712.60, claims for inpatient services from the following hospitals shall be paid on a per diem basis, including provisions for outlier payments, where rates and outlier thresholds are included in the capped fee schedule published by the Administration on its website and available for inspection during normal business hours at 701 E. Jefferson, Phoenix, Arizona. If the covered costs per day on a claim exceed the published threshold for a day, the claim is considered an outlier. Outliers will be paid by multiplying the covered charges by the outlier CCR. The outlier CCR will be the sum of the urban or rural default operating CCR appropriate to the location of the hospital and the statewide capital cost-to-charge ratio in the data file established as part of the Medicare Inpatient Prospective Payment System by CMS. The resulting amount will be the total reimbursement for the claim. There is no provision for outlier payments for hospitals described under subsection (A)(3).

1. Hospitals designated as type: hospital, subtype; rehabilitation in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website in March of each year;
2. Hospitals designated as type: hospital, subtype: long term in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;
3. Hospitals designated as type: hospital, subtype; psychiatric in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March of each year;

B. Notwithstanding section R9-22-712.60, claims for inpatient services that are covered by a RBHA or TRBHA, where the principal diagnosis on the claim is a behavioral health diagnosis, shall be reimbursed as prescribed by a per diem rate described by a fee schedule established by the Administration; however, if the principal diagnosis is a physical health diagnosis, the claim shall be processed under the DRG methodology described in this section, even if behavioral health services are provided during the inpatient stay.

C. Notwithstanding section R9-22-712.60, claims for services associated with transplant services shall be paid in accordance with the contract between the AHCCCS administration and the transplant facility.

D. Notwithstanding section R9-22-712.60, claims from an IHS facility or 638 Tribal provider shall be paid the all-inclusive rate on a per visit basis in accordance with the rates published annually by IHS in the federal register.

E. For hospitals that have contracts with the Administration for the provision of transplant services, inpatient days associated with transplant services are paid in accordance with the terms of the contract.

F. For inpatient services with a date of admission from ~~January 1, 2018~~ October 1, 2018 through September 30, ~~2018~~ 2019, provided by a hospital in subsection (A) that qualifies, the administration shall pay the hospital an Inpatient ~~VBP~~ Differential Adjusted Payment equal to the sum of the payment otherwise provided for in subsection (A) plus the product of the amount otherwise provided for in subsection (A) and a percentage published on the Administration's public website as part of its fee schedule, subsequent to a public notice published no later than ~~December 1, 2017~~ September 1, 2018. To qualify for the Inpatient ~~VBP~~ Differential Adjusted Payment, the exempt hospital must ~~have met~~ meet the following criteria:

1. By June 15, 2018 submit a Letter of Intent to AHCCCS and a qualifying Health Information Exchange (HIE) organization in which the hospital agrees to achieve the following:
 - a. By July 31, 2018, execute an agreement with a qualifying HIE organization;
 - b. By October 31, 2018, approve and authorize a formal scope of work with a qualifying HIE to develop and implement the data exchange necessary to meet the requirements in subsections (E)(1)(c) and (E)(1)(d);
 - c. By March 31, 2019, electronically submit admission, discharge, and transfer information (including data from the hospital emergency department) to a qualifying HIE;
 - d. By June 30, 2019, electronically submit laboratory, radiology, transcription, and medication information, and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination to a qualifying HIE.
- ~~1. Executed an agreement with a qualifying health information exchange by May 15, 2017;~~
- ~~2. Been determined by a qualifying health information exchange organization, based on a readiness review conducted by the organization, capable of connecting with the exchange by October 1, 2017; and~~
- ~~3. Electronically submitted admission, discharge, and transfer information to a qualifying health information exchange organization by October 1, 2017, including information from the emergency department if the hospital operates an emergency department.~~

R9-22-712.71. Final DRG Payment

The final DRG payment is the sum of the final DRG base payment, the final DRG outlier add-on payment, and the ~~Inpatient Value-Based Purchasing (VBP)~~ Differential Adjusted Payment.

1. The final DRG base payment is an amount equal to the product of the covered day adjusted DRG base payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition.
2. The final DRG outlier add-on payment is an amount equal to the product of the covered day adjusted DRG outlier add-on payment and a hospital-specific factor established to limit the financial impact to individual hospitals of the transition from the tiered per diem payment methodology and to account for improvements in documentation and coding that are expected as a result of the transition.



3. The factor for each hospital and for each federal fiscal year is published as part of the AHCCCS capped fee schedule and is available on the AHCCCS administration's website and is on file for public inspection at the AHCCCS administration located at 701 E. Jefferson Street, Phoenix, Arizona.
4. For inpatient services with a date of discharge from October 1, ~~2017~~2018 through September 30, ~~2018~~2019, the Inpatient VBP Differential Adjusted Payment is the sum of the final DRG base payment and the final DRG outlier add-on payment multiplied by a percentage published on the Administration's public website as part of its fee schedule, subsequent to the public notice published no later than September 1, ~~2017~~ 2018. ~~To qualify for the Inpatient VBP Differential Adjusted Payment, a hospital providing inpatient hospital services must by May 15, 2017, have executed an agreement with a qualifying health information exchange organization and electronically submitted laboratory, radiology, transcription, and medication information, plus admission, discharge, and transfer information (including data from the hospital emergency department), to a qualifying health information exchange organization. A hospital will qualify for the Differential Adjusted Payment if it meets either or both of the following criteria:~~
 - a. By June 15, 2018 submit a Letter of Intent to AHCCCS and a qualifying Health Information Exchange (HIE) organization in which the hospital agrees to achieve the following:
 - i. By July 31, 2018, execute an agreement with a qualifying HIE organization;
 - ii. By October 31, 2018, approve and authorize a formal scope of work with a qualifying HIE to develop and implement the data exchange necessary to meet the requirements in subsections (E)(1)(c) and (E)(1)(d);
 - iii. By March 31, 2019, electronically submit admission, discharge, and transfer information (including data from the hospital emergency department) to a qualifying HIE;
 - iv. By June 30, 2019, electronically submit laboratory, radiology, transcription, and medication information, and discharge summaries that include, at a minimum, discharge orders, discharge instructions, active medications, new prescriptions, active problem lists (diagnosis), treatments and procedures conducted during the stay, active allergies, and discharge destination to a qualifying HIE;
 - b. By May 1, 2018 hold a Pediatric-Prepared Emergency Care certification from the Arizona Chapter of the American Academy of Pediatrics.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

[R18-106]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

R9-22-1302	Amend
R9-22-1303	Amend
R9-22-1305	Amend
R9-22-1306	Repeal
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 36-2904 and 36-2903.01
Implementing statute: A.R.S. § 36-261
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 24 A.A.R. 1754, June 22, 2018 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

Through this rulemaking, the Agency proposes three major types of changes to these rules. This rulemaking will remove existing references to a singular CRS contractor and replace them with references to plural contractors, as well as remove references to the CRS program and replace them with references to CRS services. These changes are necessary since all MCO's will be responsible for supplying these services as of October 1, 2018. Finally, R9-22-1306 will be repealed because there will no longer be a transition out of the CRS program since services to treat members with CRS conditions will be provided through all MCO's rather than



through a single CRS Contractor for the State.

In addition, to clarify the scope of services available to members, MCO's are required to provide all services to eligible members, including Children's Rehabilitative Services and behavioral health services when medically necessary. Failure to promulgate these changes may result in unnecessary financial and administrative burdens on Contractors and the AHCCCS Program, diminished member choice, reduced competition, and narrower provider networks available to members.

- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

A study was not referenced or relied upon when revising these regulations.

- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business, and consumer impact:**

The rulemaking will also encourage competition and contracting between contractors to achieve more efficient administration of health care delivery and expand contractor networks and member choice of providers, thus promoting expanded member choice for obtaining CRS services through all AHCCCS contractors, opportunities for job creation, and fiscal health and economic development within Arizona.

- 9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., July 23, 2018.

Date: July 23, 2018

Time: 9:00 a.m.

Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034

Nature: Public Hearing

Date: July 23, 2018

Time: 9:00 a.m.

Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710

Nature: Public Hearing

Date: July 23, 2018

Time: 9:00 a.m.

Location: 2717 N. 4th St., Suite 130
Flagstaff, AZ 86004

Nature: Public Hearing

- 11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

No other matters have been prescribed.

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rule does not require a permit.

- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

There is no applicable federal law.

- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**



Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)

Section

- R9-22-1302. Children's Rehabilitative Services (CRS) Eligibility Requirements
- R9-22-1303. Medical Eligibility
- R9-22-1305. CRS Redetermination
- R9-22-1306. ~~Transition or Termination~~ Repealed

ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)

R9-22-1302. Children's Rehabilitative Services (CRS) Eligibility Requirements

Beginning October 1, 2013, an AHCCCS member who needs active treatment for one or more of the qualifying medical condition(s) in R9-22-1303 shall ~~enrolled with the CRS contractor~~ be given a CRS Designation. An American Indian member ~~shall obtain~~ can choose to receive CRS services through AIHP or an ACC contractor ~~the CRS contractor~~. A member enrolled in CMDP shall ~~also obtain~~ CRS services through CMDP. ~~Initial enrollment with the CRS contractor is limited to individuals under the age of 21.~~ The ~~CRS~~ ACC contractor shall provide covered services necessary to treat the ~~CRS~~ condition(s) and other services described within the ~~CRS~~ contract. The effective date of ~~enrollment in CRS~~ the CRS Designation shall be as specified in contract.

R9-22-1303. Medical Eligibility

The following lists identify those medical condition(s) that do qualify for ~~the CRS program services~~ as well as those that do not qualify for ~~the CRS program services~~. The list of condition(s) that qualify for a CRS medical eligibility Designation is all inclusive. The list of condition(s) that do not qualify for a CRS medical eligibility Designation is not an all-inclusive list.

1. Cardiovascular System
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Arrhythmia,
 - ii. Arteriovenous fistula,
 - iii. Cardiomyopathy,
 - iv. Conduction defect,
 - v. Congenital heart defect other than isolated small Ventricular Septal Defects (VSD), Patent Ductus Arteriosus (PDA), Atrial Septal Defects (ASD),
 - vi. Coronary artery and aortic aneurysm,
 - vii. Renal vascular hypertension,
 - viii. Rheumatic heart disease, and
 - ix. Valvular disorder.
 - b. Condition(s) not medically eligible for CRS:
 - i. Arteriovenous fistula that is not expected to cause cardiac failure or threaten loss of function;
 - ii. Benign heart murmur;
 - iii. Branch artery pulmonary stenosis;
 - iv. Essential hypertension;
 - v. Patent foramen ovale (PFO);
 - vi. Peripheral pulmonary stenosis;
 - vii. Postural orthopedic tachycardia; and
 - viii. Premature atrial, nodal or ventricular contractions that are of no hemodynamic significance.
2. Endocrine system:
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Addison's disease,
 - ii. Adrenogenital syndrome,
 - iii. Cystic fibrosis (including atypical cystic fibrosis),
 - iv. Diabetes insipidus,
 - v. Hyperparathyroidism,
 - vi. Hyperthyroidism,
 - vii. Hypoparathyroidism, and
 - viii. Panhypopituitarism.
 - b. Condition(s) not medically eligible for CRS
 - i. Diabetes mellitus,
 - ii. Hypopituitarism associated with a malignancy and requiring treatment of less than 90 days,
 - iii. Isolated growth hormone deficiency, and



- iv. Precocious puberty.
- 3. Genitourinary system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Ambiguous genitalia,
 - ii. Bladder extrophy,
 - iii. Deformity and dysfunction of the genitourinary system secondary to trauma 90 days or more after the trauma occurred,
 - iv. Ectopic ureter,
 - v. Hydronephrosis, that is not resolved with antibiotics,
 - vi. Polycystic and multicystic kidneys,
 - vii. Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required,
 - viii. Ureteral stricture, and
 - ix. Vesicoureteral reflux, at a grade 3 or higher.
 - b. Condition(s) not medically eligible for CRS:
 - i. Enuresis,
 - ii. Hydrocele,
 - iii. Hypospadias,
 - iv. Meatal stenosis,
 - v. Nephritis, infectious or noninfectious,
 - vi. Nephrosis,
 - vii. Phimosis, and
 - viii. Undescended testicle.
- 4. Ear, nose, or throat medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Cholesteatoma,
 - ii. Congenital/Craniofacial anomaly that is functionally limiting,
 - iii. Deformity and dysfunction of the ear, nose, or throat secondary to trauma, 90 days or more after the trauma occurred,
 - iv. Mastoiditis that continues 90 days or more after the first diagnosis of the condition,
 - v. Microtia that requires multiple surgical interventions,
 - vi. Neurosensory hearing loss, and
 - vii. Significant conductive hearing loss due to an anomaly in one ear or both ears equal to or greater than a pure tone average of 30 decibels that despite medical treatment, requires a hearing aid.
 - b. Condition(s) not medically eligible for CRS:
 - i. A craniofacial anomaly that is not functionally limiting,
 - ii. Adenoiditis,
 - iii. Cranial or temporal mandibular joint syndrome,
 - iv. Hypertrophic lingual frenum,
 - v. Isolated preauricular tag or pit,
 - vi. Nasal polyp,
 - vii. Obstructive apnea,
 - viii. Perforation of the tympanic membrane,
 - ix. Recurrent otitis media,
 - x. Simple deviated nasal septum,
 - xi. Sinusitis,
 - xii. Tonsillitis, and
 - xiii. Uncontrolled salivation.
- 5. Musculoskeletal system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Achondroplasia,
 - ii. Arthrogryposis (multiple joint contractures),
 - iii. Bone infection that continues 90 days or more after the initial diagnosis,
 - iv. Chondrodysplasia,
 - v. Chondroectodermal dysplasia,
 - vi. Clubfoot,
 - vii. Collagen vascular disease, including but not limited to, ankylosis spondylitis, polymyositis, dermatomyositis, polyarteritis nodosa, psoriatic arthritis, scleroderma, rheumatoid arthritis and lupus,
 - viii. Congenital or developmental cervical spine abnormality,
 - ix. Congenital spinal deformity,
 - x. Diastrophic dysplasia,
 - xi. Enchondromatosis,
 - xii. Femoral anteversion and tibial torsion,
 - xiii. Fibrous dysplasia,
 - xiv. Hip dysplasia,
 - xv. Hypochondroplasia,
 - xvi. Joint infection that continues 90 days or more after the initial diagnosis,



- xvii. Juvenile rheumatoid arthritis,
- xviii. Kyphosis (Scheurmann's Kyphosis) 50 degrees or over,
- xix. Larsen syndrome,
- xx. Leg length discrepancy of two centimeters or more,
- xxi. Legg-Calve-Perthes disease,
- xxii. Limb amputation or limb malformation,
- xxiii. Metaphyseal and epiphyseal dysplasia,
- xxiv. Metatarsus adductus,
- xxv. Muscular dystrophy,
- xxvi. Orthopedic complications of hemophilia,
- xxvii. Osgood Schlatter's disease that requires surgical intervention,
- xxviii. Osteogenesis imperfecta,
- xxix. Rickets,
- xxx. Scoliosis when 25 degrees or greater, or when there is a need for bracing or surgery,
- xxxi. Seronegative spondyloarthropathy such as Reiters, psoriatic arthritis, and ankylosing spondylitis,
- xxxii. Slipped capital femoral epiphysis,
- xxxiii. Spinal muscle atrophy,
- xxxiv. Spondyloepiphyseal dysplasia, and
- xxxv. Syndactyly.
- b. Condition(s) not medically eligible for CRS:
 - i. Back pain with no structural abnormality,
 - ii. Benign bone tumor,
 - iii. Bunion,
 - iv. Carpal tunnel syndrome,
 - v. Deformity and dysfunction secondary to trauma or injury,
 - vi. Ehlers Danlos,
 - vii. Flat foot,
 - viii. Fracture,
 - ix. Ganglion cyst,
 - x. Ingrown toenail,
 - xi. Kyphosis under 50 degrees,
 - xii. Leg length discrepancy of less than two centimeters at skeletal maturity,
 - xiii. Polydactyly without bone involvement,
 - xiv. Popliteal cyst,
 - xv. Trigger finger, and
 - xvi. Varus and valgus deformities.
- 6. Gastrointestinal system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Anorectal atresia,
 - ii. Biliary atresia,
 - iii. Cleft lip,
 - iv. Cleft palate,
 - v. Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract,
 - vi. Deformity and dysfunction of the gastrointestinal system secondary to trauma, 90 days or more after the trauma occurred,
 - vii. Diaphragmatic hernia,
 - viii. Gastroschisis,
 - ix. Hirschsprung's disease,
 - x. Omphalocele, and
 - xi. Tracheoesophageal fistula.
 - b. Condition(s) not medically eligible for CRS:
 - i. Celiac disease,
 - ii. Crohn's disease,
 - iii. Hernia other than a diaphragmatic hernia,
 - iv. Intestinal polyp,
 - v. Malabsorption syndrome, also known as short bowel syndrome,
 - vi. Pyloric stenosis,
 - vii. Ulcer disease, and
 - viii. Ulcerative colitis.
- 7. Nervous system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Benign intracranial tumor,
 - ii. Benign intraspinal tumor,
 - iii. Central nervous system degenerative disease,
 - iv. Central nervous system malformation or structural abnormality,
 - v. Cerebral palsy,



- vi. Craniosynostosis requiring surgery,
- vii. Deformity and dysfunction secondary to trauma in an individual that continues 90 days or more after the incident,
- viii. Hydrocephalus,
- ix. Muscular dystrophy or other myopathy,
- x. Myelomeningocele, also known as spina bifida,
- xi. Myoneural disorder, including but not limited to, amyotrophic Lateral Sclerosis or ALS, myasthenia gravis, Eaton-Lambert syndrome, muscular dystrophy, troyer sclerosis, polymyositis, dermatomyositis, progressive bulbar palsy, polio,
- xii. Neurofibromatosis,
- xiii. Neuropathy/polyneuropathy, hereditary or idiopathic,
- xiv. Residual dysfunction that continues 90 days or more after a vascular accident, inflammatory condition, or infection of the central nervous system,
- xv. Residual dysfunction that continues 90 days or more after near drowning,
- xvi. Residual dysfunction that continues 90 days or more after the spinal cord injury, and
- xvii. Uncontrolled seizure disorder, in which there have been more than two seizures with documented compliance of one or more medications.
- b. Condition(s) not medically eligible for CRS:
 - i. Central apnea secondary to prematurity,
 - ii. Febrile seizures,
 - iii. Headaches,
 - iv. Near sudden infant death syndrome,
 - v. Plagiocephaly, and
 - vi. Spina bifida occulta.
- 8. Ophthalmology:
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Cataracts,
 - ii. Disorder of the iris, ciliary bodies, retina, lens, or cornea,
 - iii. Disorder of the optic nerve,
 - iv. Glaucoma,
 - v. Non-malignant enucleation and post-enucleation reconstruction, and
 - vi. Retinopathy of prematurity.
 - b. Condition(s) not medically eligible for CRS:
 - i. Astigmatism,
 - ii. Ptosis,
 - iii. Simple refraction error, and
 - iv. Strabismus.
- 9. Respiratory system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Anomaly of the larynx, trachea, or bronchi that requires surgery, and
 - ii. Nonmalignant obstructive lesion of the larynx, trachea, or bronchi.
 - b. Condition(s) not medically eligible for CRS:
 - i. Allergies,
 - ii. Asthma,
 - iii. Bronchopulmonary dysplasia,
 - iv. Chronic obstructive pulmonary disease,
 - v. Emphysema, and
 - vi. Respiratory distress syndrome.
- 10. Dermatological system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. A burn scar that is functionally limiting,
 - ii. A hemangioma that is functionally limiting that requires laser or surgery,
 - iii. Complicated nevi requiring multiple procedures,
 - iv. Cystic hygroma such as lymphangioma, and
 - v. Malocclusion that is functionally limiting.
 - b. Condition(s) not medically eligible for CRS:
 - i. A deformity that is not functionally limiting,
 - ii. Ectodermal dysplasia,
 - iii. Isolated malocclusion that is not functionally limiting,
 - iv. Pilonidal cyst,
 - v. Port wine stain,
 - vi. Sebaceous cyst,
 - vii. Simple nevi, and
 - viii. Skin tag.
- 11. Metabolic CRS condition(s) that qualify for CRS medical eligibility:
 - ~~ia.~~ Amino acid or organic acidopathy,
 - ~~ib.~~ Biotinidase deficiency,



- iii. Homocystinuria,
- iv. Inborn error of metabolism,
- v. Maple syrup urine disease,
- vi. Phenylketonuria, and
- vii. Storage disease.
- 12. Hemoglobinopathies CRS condition(s) that qualify for CRS medical eligibility:
 - a. Sickle cell anemia, and
 - b. Thalassemia.
- 13. Additional medical/behavioral condition(s) which are not medically eligible for CRS:
 - a. Allergies,
 - b. Anorexia nervosa or obesity,
 - c. Attention deficit disorder,
 - d. Autism,
 - e. Cancer,
 - f. Depression or other mental illness,
 - g. Developmental delay,
 - h. Dyslexia or other learning disabilities,
 - i. Failure to thrive,
 - j. Hyperactivity, and
 - k. Immunodeficiency, such as AIDS and HIV.

R9-22-1305. CRS Redetermination

- A. Continued eligibility for the CRS program services shall be redetermined by verifying active treatment status of the CRS qualifying medical condition(s) as follows:
 - 1. The ACCCRS Contractor is responsible for notifying the AHCCCS Administration of the date when a CRS-member with a CRS Designation is no longer in active treatment for the CRS-qualifying condition(s).
 - 2. The Administration may request, at any time, that the CRSAAC contractor submit the medical documentation to the Administration for a CRS medical redetermination requested in the CRS medical redetermination form within the specified time-frames in contract.
 - 3. The Administration shall notify the CRS-member or authorized representative of the outcome of the redetermination process.
- B. If the Administration determines that a CRS-member is no longer medically eligible for a CRS Designation, the Administration shall provide the CRS-member or authorized representative a written notice that informs the CRS-member that the Administration is transitioning the CRS-member's enrollment ending the member's CRS Designation according to R9-22-1306. The member may appeal the redetermination under Chapter 34.
- C. Upon reaching his or her 21st birthday, the CRS member will be enrolled with a non-CRS contractor unless the member requests to continue enrollment with the CRS contractor. Upon reaching his or her 21st birthday, the member's CRS Designation will be ended.

R9-22-1306. Transition or Termination Repealed

- A. The Administration shall transition a CRS member from the CRS contractor when the Administration determines the CRS member does not meet the medical eligibility requirements under this Article.
- B. The Administration shall terminate a CRS member from the CRS contractor and the AHCCCS program when the Administration determines the CRS member does not meet the AHCCCS eligibility requirements. The member may appeal the termination under Chapter 34.
- C. If the Administration transitions a CRS member from the CRS contractor, the Administration shall provide the CRS member, or authorized representative a written notice of transition. The member may appeal the transition under Chapter 34.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

[R18-107]

PREAMBLE

- 1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R9-22-2101 Amend
- 2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 36-2903.07
Implementing statutes: A.R.S. § 36-2901
- 3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 24 A.A.R. 1755, June 22, 2018 (in this issue)
- 4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Nicole Fries
Address: AHCCCS



Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The proposed rulemaking will clarify that a "level I trauma center" refers to any acute care hospital designated by the Arizona Department of Health Services (ADHS) as a level I trauma center, a provisional level I trauma center, or an initial level I trauma center. Hospitals designated by ADHS as a "provisional level I trauma center" or "initial level I trauma center" are operating as level I trauma center in every way, except verification by the American College of Surgeons which takes 12-18 months to achieve. The amended rule will eliminate the ambiguity of this definition and will allow provisional and initial level I trauma centers to receive money from the Proposition 202 Trauma Fund for unrecovered trauma center readiness costs. It will also allow provisional and initial level I trauma centers to receive a larger payment through the Outpatient Capped Fee Schedule pursuant to A.A.C. R9-22-712.35(C) which uses the same definition for level I trauma center.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

A study was not referenced or relied upon when revising these regulations.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed rulemaking will authorize AHCCCS to make payments consistent with efficiency, economy, and quality of care consistent with federal requirements as well as State statute. The rulemaking will also improve the economic health of trauma centers in the state, allowing a greater number of hospitals to achieve more efficient administration of health care delivery, thus promoting fiscal health and economic development.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., July 23, 2018.

Date: July 23, 2018
Time: 9:00 a.m.
Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: July 23, 2018
Time: 9:00 a.m.
Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: July 23, 2018
Time: 9:00 a.m.
Location: 2717 N. 4th St., Suite 130
Flagstaff, AZ 86004
Nature: Public Hearing



11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rule does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule is not more stringent than the federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitive-ness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND

Section

R9-22-2101. General Provisions

ARTICLE 21. TRAUMA AND EMERGENCY SERVICES FUND

R9-22-2101. General Provisions

- A. A.R.S. § 36-2903.07 establishes the Administration as the authority to administer the Trauma and Emergency Services Fund.
- B. The Administration shall distribute 90% of monies from the trauma and emergency services fund to a level I trauma center, as defined in subsection (F) of this Section, for unrecovered trauma center readiness costs as defined in subsection (F) of this Section. Reimbursement is limited to no more than the amount of unrecovered trauma center readiness costs as determined in subsections (D) and (E) of this Section. Unexpended funds may be used to reimburse unrecovered emergency room costs under subsection (C) of this Section.
- C. The Administration shall distribute 10% of monies from the trauma and emergency services fund, for unrecovered emergency services costs, to a hospital having an emergency department, using criteria under R9-22-2103. Reimbursement is limited to no more than the amount of unrecovered emergency services costs as determined in R9-22-2103. The Administration may distribute more than 10% of the monies for unrecovered emergency room costs when there are unexpended monies under subsection (B) of this Section.
- D. The Administration shall distribute a reporting tool and guidelines to level I trauma centers to determine, on an annual basis, the unrecovered trauma center readiness costs for level I trauma centers as defined in subsection (F) of this Section. The reporting time-frame is July 1 of the prior year through June 30 of the reporting year. A level I trauma center shall submit the requested data and a copy of the most recently completed uniform accounting report under A.R.S. § 36-125.04 to the Administration no later than October 31 of each reporting year.
- E. When a level I trauma center closes in a county where there are one or more level I trauma center(s) remaining in operation, the following shall occur:
 1. The closing level I trauma center shall submit the requested data under subsection (D) of this Section for the months of the reporting time-frame in which it met the definition of a level I trauma center, and
 2. The data under subsection (D) of this Section, which is submitted by the closing level I trauma center, shall be added to the remaining level I trauma center(s) in that county for the current reporting time-frame only.
- F. In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:
 1. ~~"Level I trauma center" means any acute care hospital that:~~
 - a. ~~Provides in-house 24-hour daily dedicated trauma surgical services as defined in A.R.S. § 36-2201(26) pertaining to a trauma center, or~~
 - b. ~~Is recognized as a rural regional trauma center that was providing formal organized trauma services on or before January 1, 2003.~~
 2. ~~On or after January 1, 2005, "level I trauma center"~~ "level I trauma center" means any acute care hospital designated by the Arizona Department of Health Services as a level I trauma center, a provisional level I trauma center, or an initial level I trauma center.
 3. "Unrecovered trauma center readiness costs" means losses incurred treating trauma patients:
 - a. Determined in accordance with Generally Accepted Accounting Principles,
 - b. Based on both clinical and professional costs incurred by a level I trauma center necessary for the provision of level I trauma care, and
 - c. Based on administrative and overhead costs directly associated with providing level I trauma care.



NOTICES OF EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Exempt Rulemaking.

It is not uncommon for an agency to be exempt from all steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act (APA) or Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10.

An agency's exemption is either written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters; or a court has

determined that an agency, board or commission is exempt from the rulemaking process.

The Office makes a distinction between certain exemptions as provided in these laws, on a case by case basis, as determined by an agency. Other rule exemption types are published elsewhere in the *Register*.

Notices of Exempt Rulemaking as published here were made with no special conditions or restrictions; no public input; no public hearing; and no filing of a Proposed Exempt Rulemaking.

NOTICE OF EXEMPT RULEMAKING

TITLE 17. TRANSPORTATION CHAPTER 5. DEPARTMENT OF TRANSPORTATION COMMERCIAL PROGRAMS

[R18-112]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 6	Amend
R17-5-601	Amend
R17-5-602	Amend
R17-5-603	Amend
R17-5-604	Amend
R17-5-605	Amend
R17-5-606	Amend
R17-5-607	Amend
R17-5-608	Amend
R17-5-609	Repeal
R17-5-609	New Section
R17-5-610	Amend
R17-5-611	Amend
R17-5-612	Amend
R17-5-613	Amend
R17-5-614	New Section
R17-5-615	New Section
R17-5-616	New Section
R17-5-617	New Section
R17-5-618	New Section
R17-5-619	New Section
R17-5-620	New Section
R17-5-621	New Section
R17-5-622	New Section
R17-5-623	New Section
Article 7	Amend
R17-5-701	Amend
R17-5-702	Repeal
R17-5-702	New Section
R17-5-703	Repeal
R17-5-704	Repeal
R17-5-705	Repeal
R17-5-706	Amend
R17-5-707	Repeal

R17-5-708

Repeal

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:

Authorizing statutes: A.R.S. §§ 28-366, 28-1462, 28-1465, 28-1468

Implementing statutes: Title 28, Chapter 4, Article 5, Arizona Revised Statutes

Statute or session law authorizing the exemption: Ch. 331, § 12, Laws 2017

3. The effective date of the rules and the agency's reason it selected the effective date:

The effective date of the rules is July 1, 2018. Chapter 331, Laws 2017, requires an ignition interlock service provider to collect a fee for ignition interlock device installation, and to contract with ignition interlock service providers in the state beginning July 1, 2018. Additional changes to the ignition interlock program were made in SB 1401, which was approved as Chapter 105, Laws 2018. This legislation is retroactive to July 1, 2018.

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

Not applicable

5. The agency's contact person who can answer questions about the rulemaking:

Name: Jeffrey Dolfini

Address: Department of Transportation
Motor Vehicle Division
P.O. Box 2100, MD 530M
Phoenix, AZ 85001-2100

Telephone: (602) 712-8154

E-mail: JDolfini@azdot.gov

Web site: <http://www.azdot.gov/Ignition-Interlock-Stakeholders>

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Department received approval from Matt Clark in the Governor's Office on February 15, 2017 to initiate this rulemaking to implement Chapter 331, Laws 2017. A.R.S. § 28-1468 gives authority for the Department to enter into an authorization agreement with ignition interlock service providers to offer ignition interlock services in the state beginning July 1, 2018, at a minimum of one service center in each county in the state for at least three years. A.R.S. § 28-1462 requires the Department of Transportation to establish a new ignition interlock device installation fee payable by an ignition interlock user, who has an ignition interlock device installed on the person's motor vehicle, beginning on July 1, 2018. The rules establish an ignition interlock installation fee of \$20 payable by a person required by the Department or a court to install an ignition interlock device after July 1, 2018. The statutes require ignition interlock devices installed by an ignition interlock service provider beginning July 1, 2018 to have a digital camera, global positioning capability, and to transmit ignition interlock data electronically and wirelessly to the Department.

An ignition interlock service provider must certify and train a technician to perform specific ignition interlock services, including installation of a manufacturer's ignition interlock device. Ignition interlock device reporting originates from the ignition interlock device manufacturer and is sent electronically to the Department daily in real-time. The rules prescribe reportable activity that a manufacturer must report, including failure of an ignition interlock user to properly perform any set of three consecutive rolling retests during an 18-minute timeframe during a drive cycle, circumvention, tampering of an ignition interlock device, alcohol violations, and failing to provide proof of compliance. The rules provide that the Department will extend the ignition interlock period of a user for six months for any set of three consecutive missed rolling retests within an 18-minute drive cycle.

The rules define circumvention, manufacturer, tampering, technician, and other terms relevant to the rules. In addition, the rules prescribe the requirements for a manufacturer to certify an ignition interlock device, and the duties of a manufacturer, an ignition interlock service provider, and a technician. The rules establish the application process for ignition interlock service provider authorization, a service center, and a technician. In addition, the rules allow the Director to impose a civil penalty against a manufacturer for improper reporting, and to issue a cease and desist order against an ignition interlock service provider contracted with the Department for violating state statutes, rules, or the authorization agreement.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study relevant to the rules.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

Laws 2017, Ch. 331, § 12 exempts the Department from the rulemaking requirements of A.R.S. Title 41, Chapter 6, including preparing the economic, small business, and consumer impact statement.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking and the final rulemaking package (if applicable):

The rulemaking exemption did not require the Department to publish proposed rules. The Department posted the exempt rules on the Motor Vehicle Division's website for more than 30 days, accepted public comments, and made rule changes in response to those comments to improve and clarify the rules. The Department made other grammatical and technical corrections to comply



with the Secretary of State's rulemaking format.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

The Department had an exemption from the requirements of the Administrative Procedures Act, and was not required to receive any public comments regarding this rulemaking. The Department conducted several stakeholder meetings and requested, accepted, and incorporated stakeholder comments to the rules.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The Legislature granted authority in A.R.S. § 28-1468 for the Director of the Department of Transportation to issue an authorization for an ignition interlock service provider. The rules also contain a process for certifying a manufacturer's ignition interlock device. The rules do not require a general permit, but authorization and certification are general permits because the activities or practices in the class are substantially similar in nature for all ignition interlock service providers and manufacturers to perform authorized activities.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules incorporate by reference the 2013 NHTSA Model Specifications for Breath Ignition Interlock Devices (BAIIDs) and the 2015 NHTSA technical corrections to these specifications. A.R.S. § 28-1462(C)(4) provides that the Motor Vehicle Division shall not certify an ignition interlock device unless the device meets or exceeds the 2013 NHTSA Specifications.

c. Whether a person submitted an analysis to the agency that compares a rule's impact of the competitiveness of business in this state to the impact on business in other states:

The Department did not receive a business competitive analysis.

13. A list of any incorporated by reference material and its location in the rule:

R17-5-604(C)(3)(a) - 2013 NHTSA Model Specifications for Breath Ignition Interlock Devices (BAIIDs). R17-5-604(C)(3)(a) - Technical corrections to 2013 NHTSA Model Specifications For Breath Ignition Interlock Devices (BAIIDs).

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

**TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

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R17-5-616.	<u>Civil Penalties; Hearing</u>
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R17-5-618.	<u>Service Centers; Mobile Services</u>
R17-5-619.	<u>Application; IISP Implementation Plan</u>
R17-5-620.	<u>Authorization Time Frame; Ignition Interlock Service Provider</u>
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R17-5-622. Technician Application
R17-5-623. Termination of Authorization Agreement; Notification

ARTICLE 7. IGNITION INTERLOCK DEVICE ~~INSTALLERS~~ TECHNICIANS

Section

R17-5-701. Definitions
R17-5-702. ~~Ignition Interlock Device Installer Certification; Application Requirements; Recertification~~ Records Check; Technician Qualifications; IISP Self-Certification of Technician
R17-5-703. ~~Ignition Interlock Device Installer Bond Requirements; Recertification~~ Repealed
R17-5-704. ~~Authorized Installer Responsibilities~~ Repealed
R17-5-705. ~~Installer-certified Service Representatives~~ Repealed
R17-5-706. ~~Accuracy and Compliance~~ Calibration Check; Requirements
R17-5-707. ~~Inspection of Service Centers; Application~~ Repealed
R17-5-708. ~~Notice; Denial or Cancellation of Certification; Appeal; Hearing~~ Repealed

ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

R17-5-601. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101 and ~~28-1301~~, 41-1072, in this Article, unless the context otherwise requires, the following terms apply:

~~“Alcohol” means ethyl alcohol, also called ethanol.~~

“Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol/210 liters of breath or air and expressed as grams/210 liters.

“Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.

“Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.

“Authorization agreement” or “agreement” means an agreement authorized by the Director that an IISP enters into with the Department to provide ignition interlock services under A.R.S. § 28-1468.

~~“Authorized installer” means a person or entity appointed by a manufacturer, and certified by the Department, to install and service a certified ignition interlock device model provided by the manufacturer.~~

“Breath alcohol test” means analysis of a sample of the ~~participant’s~~ person’s expired alveolar breath to determine alcohol concentration.

“Bump starting” means a method of starting a motor vehicle with an internal combustion engine by engaging the manual transmission while the vehicle is in motion.

“Business day” means a day other than a Saturday, Sunday, or state holiday.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify its accuracy.

~~“Cancellation” means the withdrawal of a certification granted by the Department under this Article, which prohibits a previously certified ignition interlock device manufacturer, its authorized installer, or the authorized installer’s service center from offering, installing, termination of a manufacturer’s ignition interlock device certification for ignition interlock device installation or servicing an ignition interlock device under Arizona law.~~

~~“Certification” means a status granted by the Department under this Article, which permits a certified ignition interlock device manufacturer, an authorized installer, or an authorized installer’s service center to offer, install, or service an ignition interlock device for installation under Arizona law.~~

“Certified ignition interlock device,” “CIID,” or “device” means a device that is based on alcohol specific electrochemical fuel sensor technology that meets the NHTSA specifications; that connects a breath analyzer to a motor vehicle’s ignition system; that is constantly available to monitor the alcohol concentration in the breath of any person attempting to start the motor vehicle by using its ignition system; that deters starting the vehicle by use of its ignition system unless the person attempting to start the motor vehicle provides an appropriate breath sample for the device; and determines whether the alcohol concentration in the person’s breath is below a preset level.

“Circumvent” or “circumvention” means an attempted or successful bypass of the proper functioning of a certified ignition interlock device and includes all of the following:

The bump start of a motor vehicle with a certified ignition interlock device;

The introduction of a false sample other than a deep-lung breath sample from the person driving the motor vehicle;

The introduction of an intentionally contaminated or a filtered breath sample;

The intentional disruption or blocking of a digital image identification device;

The continued operation of the motor vehicle after the certified ignition interlock device detects breath alcohol exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) or, if the person is under 21 years of age, any attempt to operate the motor vehicle with any spirituous liquor in the person’s body;

Operating a motor vehicle without a properly functioning certified ignition interlock device and;



When a person, who is required to maintain a functioning certified ignition interlock device is starting or operating the motor vehicle, permits another individual to breathe into the certified ignition interlock device for the purpose of providing a breath alcohol sample to start the motor vehicle or for the rolling retest.

“Corrective action” means an action specified in or reasonably implied from Title 28, Chapter 4, Arizona Revised Statutes, that the Department takes in relation to a ~~participant’s person’s~~ driving privilege and the usage or discontinuation of usage of a ~~certified ignition interlock device CIID~~, or an action that the Department takes in relation to the performance of the duties of a ~~manufacturer or an installer in Articles 6 or 7 of this Chapter to deny or cancel manufacturer or installer certification.~~

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department. The customer number of a private individual is generally the person’s driver license or non-operating identification license number.

“Data logger” means the electronic record of all ignition interlock device activity during the period when the device is installed.

“Data storage system” means a computerized recording of all events monitored by an ~~installed~~ ignition interlock device, which may be reproduced in the form of specific reports.

“Defective ignition interlock device” means an ignition interlock device that:

1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Drive cycle” means either the period of time from when a motor vehicle is initially turned on to the next time the ignition is turned off, or the period of time from when an initial breath alcohol test is performed and failed, to the time a breath alcohol test is successfully taken and the ignition is turned off.

“Early recall” means that a person’s ignition interlock device recorded one tampering or circumvention event, or any ignition interlock malfunction, that requires a person to return to a service center within 72 hours.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance in which the ~~participant declares to person informs~~ the ~~installer~~ IISP or IISP-certified technician that the ~~person’s~~ vehicle needs to be moved to comply with the law, or the ~~participant person~~ has a valid and urgent need to operate the vehicle.

“Established place of business” means a business location that is:

- Approved by the Department;
- Located in Arizona;
- Not used as a residence; and
- Where ~~a manufacturer’s authorized installer~~ an IISP or its agent or subcontractor ~~performs~~ provides authorized ignition interlock activities services.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the ~~participant person.~~

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

~~“Fixed site service center” means a permanent location operated by an installer for conducting business and providing services related to a certified ignition interlock device.~~

“Free restart” means a function of a ~~certified ignition interlock device CIID~~ that will allow a ~~participant person~~ to restart the vehicle, under the conditions provided in ~~R17-5-603~~ R17-5-615, without completing another breath alcohol test.

“FTP” means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

“Global positioning system” means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

“Ignition interlock device installation fee” means the fee required in A.R.S. § 28-1462, and established by the Department in R17-5-614, that is paid by a person to an IISP when a CIID is installed on, or transferred to a person’s vehicle.

“Ignition interlock period” means the period in which a ~~participant person~~ is required to use a ~~certified ignition interlock device CIID~~ that is installed ~~in on~~ a vehicle.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:

- Failure of a manufacturer ~~or its authorized reporting installer~~ to report any violations to the Department within 24 hours as required in ~~R17-5-610(D)(2)~~ R17-5-610(D)(1), or failure to send ~~participant a person’s~~ ignition interlock reporting records, including records relating to a violation, to the Department as required in ~~R17-5-612(B)(1)~~ R17-5-612(C);

~~Failure of a manufacturer or its authorized reporting installer to provide copies of participant certified ignition interlock device records to the Department within 10 days after the Department’s request;~~



~~Failure of a manufacturer or its authorized reporting installer to provide quarterly reports as required in accordance with the schedule prescribed in R17-5-612(B);~~

~~Failure of a manufacturer to submit to the Department valid and substantiated proof or evidence of a reportable activity related to a violation, including a summary report and relevant data loggers as required in R17-5-610(D)(2), within 10 days after the Department's request;~~

~~Failure of a manufacturer or its authorized reporting installer to screen and remove invalid or unsubstantiated reporting data from a participant's ignition interlock reporting records prior to submitting these reporting records to the Department;~~

~~Failure of a manufacturer or its authorized reporting installer to electronically send each Certified Ignition Interlock Summarized Reporting Record to the Department within 24 hours, after performing an accuracy and compliance a calibration check, that results in the Department mailing a driver license suspension to a driver person;~~

~~Electronic reporting by a manufacturer or its authorized reporting installer to the Department, of data that is an exact duplicate of a single violation that occurs on a particular day and time and is reported multiple times;~~

~~An incident~~ Knowingly reporting a violation that occurs when a participant's vehicle has high or low voltage;

~~An Reporting an~~ incident that occurs when a participant person has a free restart test to start the participant's person's vehicle;

~~An Reporting an~~ incident that occurs in which an installer a manufacturer downloads data from the device during an accuracy a calibration check and tampers with the data or a certified ignition interlock device CIID; or

An incident that occurs after the participant's person's vehicle is turned off.

"Independent laboratory" means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device according to the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), Appendix A Quality Assurance Plan Template, and Appendix B Sample Format For Downloaded Data From The Interlock Data Logger, NHTSA, published at 78 FR 26862 to ~~26867~~ 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

~~Installer-certified service representative" means any individual who has successfully completed all requirements under R17-5-705, and has received certification from an installer to install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a specific certified ignition interlock device.~~

"Lock-out condition" means the operational status of a certified ignition interlock device, which after recording any violation of A.R.S. Title 28, Chapter 4, Article 5, immobilizes a participant's vehicle by disallowing further operation of the device. The lock-out feature is built into a certified ignition interlock device through manufacturer software or firmware, and once activated, the device must be re-set by the manufacturer's authorized installer.

"Manufacturer" means a person or an organization that is located in the United States, that is responsible for the design, construction, and production of an ignition interlock device and that is certified by the Department to offer ignition interlock devices for installation in motor vehicles in this state.

~~"Manufacturer's authorized representative" means an individual or entity designated by a manufacturer to represent or act on behalf of the manufacturer of a certified ignition interlock device.~~

"Material modification" means a change to a certified ignition interlock device CIID that affects the functionality of the device.

"Missed rolling retest" means the participant person refused or failed to provide a valid and substantiated breath sample in response to a requested rolling retest within the time period described prescribed in R17-5-610(H) R17-5-615(E).

~~"Mobile service center" means the portable operation of an installer, whether contained within a vehicle or temporarily erected at a publicly accessible commercial location, including a kiosk, which includes all personnel and equipment necessary for an installer to conduct certified ignition interlock device related business and services, separately and simultaneously, with its parent fixed site service center.~~

"Mobile services" means ignition interlock services provided by an IISP or its agents or subcontractors at a publicly accessible location other than the IISP's service center, that meet the requirements of R17-5-618.

"NHTSA" means the United States Department of Transportation's National Highway Traffic Safety Administration.

~~"NHTSA specifications" means the specifications for breath alcohol ignition interlock devices published at 78 FR 26862 to 26867 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.~~

~~"Participant" means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning certified ignition interlock device and who becomes a customer of an installer for installation and servicing of the certified ignition interlock device.~~

"Permanent lock-out" means a feature of the CIID in which a motor vehicle will not start until the CIID is reset by an IISP or an IISP-certified technician.

"Person" means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning CIID, and who becomes a customer of an IISP for installation and servicing of the CIID.

"Positive result" means a test result indicating that the alcohol concentration meets or exceeds the ~~startup~~ set point value.

"Principal place of business" means the administrative headquarters of a manufacturer or a manufacturer's authorized installer an IISP that is located in Arizona, is zoned for commercial, and is not used as a residence.



“Purge” means any mechanism that cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

“Real-time” or “real-time reporting” means the instant transmission of unfiltered ignition interlock violations as defined in R17-5-601, and data as prescribed in R17-5-610, including photographs, to the manufacturer’s website for viewing by the Department without delay, as electronic or digital service permits.

“Reference sample device” means a device containing a sample of known alcohol concentration.

“Retest set point” has the same meaning as ~~startup~~ set point.

“Rolling retest” means ~~an additional~~ a breath alcohol test that is required of ~~the participant~~ a person at random intervals after the ~~start of the vehicle~~ motor vehicle is started and that is in addition to the initial test required to start the motor vehicle.

“Service center” means ~~a certified ignition interlock device service center operated by an installer and considered an installer under this Section, who meets and maintains all Department certification and inspection requirements under R17-5-707, whether operated on a fixed site or mobile, an established place of business approved by the Department from which an IISP or its agents or subcontractors provide ignition interlock services to persons from one or more counties.~~

“Set point” means an alcohol concentration of 0.020 g/210 liters of breath. The accuracy of a device shall be 0.020 g/210 liters plus or minus 0.010 g/210 liters.

“Startup set point” means the alcohol concentration value, established by the Department under R17-5-603(A), which is determined by the Department to be the point at which, or above, a certified ignition interlock device shall disable the ignition of a motor vehicle.

“Tampering” means an overt or conscious attempt to physically disable or otherwise disconnect the CIID from its power source that allows the operator to start the engine without taking and passing the requisite breath test.

“Technician” means a person who is certified and properly trained by an ignition interlock service provider to install, inspect, calibrate, service or remove certified ignition interlock devices.

“Temporary lock-out” means a feature of the CIID which will not allow a motor vehicle to start for five minutes after a breath alcohol test result indicating an alcohol concentration above the set point.

“Vehicle identification number” or “VIN” means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

“Violation” (when referencing acts or omissions on the part of a person in the ignition interlock program) includes, but is not limited to any of the following reportable activities performed by a participant person against whom the Department shall take corrective action against the which participant’s driving privilege a manufacturer shall promptly report to the Department:

Circumventing the CIID as defined in R17-5-601;

Tampering with the ~~certified ignition interlock device~~ CIID as defined in A.R.S. § 28-1301;

Failing to provide proof of compliance or inspection of the ~~certified ignition interlock device~~ CIID under A.R.S. § 28-1461(E)(4);

Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in ~~A.R.S. § 28-1461(E)~~ A.R.S. § 28-1461(E)(5) if the participant person is at least 21 years of age;

Attempting to operate the vehicle with an alcohol concentration value in excess of the ~~startup~~ set point if the participant person is under 21 years of age;

Refusing or failing to provide any set of ~~four~~ three consecutive valid and substantiated breath samples in response to a requested rolling retest during a participant’s ignition interlock period within an 18-minute time frame during a person’s drive cycle; or

Disconnecting or removing a ~~certified ignition interlock device~~ CIID, except:

On receipt of Department authorization to remove the device;

On repair of the vehicle, if the participant person provided to the ~~manufacturer, installer, IISP, technician,~~ or service center ~~advanced~~ advance notice of the repair and the anticipated completion date; or

On replacement of moving the device from one motor vehicle with to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.

“Violation reset” means the unplanned servicing and inspection of a ~~certified ignition interlock device~~ CIID and the downloading of information from its data storage system by a ~~service center when required as a result of an over-accumulation of violations~~ an IISP as a result of an early recall that requires the manufacturer to unlock the device.

R17-5-602. Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice

A. An ignition interlock device manufacturer shall obtain certification by the Department under this Article before offering ~~an~~ a new ignition interlock device model and before making material modifications to an existing ignition interlock device model for implementation and installation under Arizona law.

B. Ignition interlock device certification by an ignition interlock device manufacturer shall occur prior to the IISP signing an authorization agreement with the Department.

~~B-C.~~ After receiving Department certification for ~~an~~ a new ignition interlock device model and meeting all the requirements under R17-5-604, the ignition interlock device manufacturer is effectively certified by the Department to offer ~~its~~ the certified ignition interlock device model for installation under Arizona law.

~~C-D.~~ An ignition interlock device manufacturer shall submit a new application to the Department under R17-5-604 for the certification of each new ignition interlock device model the manufacturer intends to offer for installation.

~~D-E.~~ Manufacturer certification issued by the Department under this Article shall automatically expire if:



1. The manufacturer no longer provides at least one currently certified ignition interlock device model for installation under Arizona law; and
 2. The manufacturer has no pending application on file with the Department for the certification of a device under R17-5-604.
- F.** Manufacturer certification of an ignition interlock device that was previously approved by the Department under this Article shall automatically expire within one year after the certification is granted if the manufacturer has not contracted with an IISP currently contracted with the Department to install the CIID.
- G.** ~~If the Director cancels a manufacturer's device certification, the Director shall notify each participant with the manufacturer's certified ignition interlock device that the participant has 30 days to obtain another installer.~~
- H-G.** ~~After the one-year cancellation period in subsection (F) ends, a manufacturer may reapply to the Department for certification by completing a new application for the certification of a device and meeting all certification requirements under this Article.~~
- E.H.** ~~If the Department determines that a reporting manufacturer fails to properly report ignition interlock information and data to the Department in the manner prescribed in these rules, the Department may immediately provide written notice to the authorized reporting manufacturer with the following information:~~
1. The name of the ~~participant person~~ and the date of the improper reporting; and
 2. The ~~reporting~~ manufacturer shall send the required record or report to the Department within ten business days, if applicable.
- F.I.** ~~If the reporting manufacturer fails to remedy the issues identified in the notice within ten business days, the Department may cancel the manufacturer device certification.~~
- H.I.** ~~If a manufacturer's certification expires as a result of subsections (D)(1) and (D)(2) subsections (E)(1) and (E)(2), the manufacturer may reapply for certification by submitting a new application to the Department for the certification of a device under R17-5-604.~~
- K.** A manufacturer shall only appoint one IISP that is contracted with the Department and serves as an authorized representative of the manufacturer to provide ignition interlock services to the public.
- L.** A manufacturer shall notify the Department within 24 hours if an IISP is no longer authorized by a manufacturer to install its CIID.
- R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration**
- A.** ~~The startup set point value for a certified ignition interlock device shall be an alcohol concentration of 0.020 g/210 liters of breath. The accuracy of a device shall be 0.020 g/210 liters plus or minus 0.010 g/210 liters. The accuracy of the CIID shall be determined by analysis of an external standard generated by a reference sample device.~~
- B.** A device shall have a demonstrable feature designed to assure that a breath sample measured is essentially alveolar.
- C.** A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to a positive result.
- D.** ~~All devices, including those with cameras, shall meet the setpoint requirements of subsection (A) R17-5-601 when used at ambient temperatures of -20° Celsius to 83° Celsius.~~
- E.** A device shall be designed so that anticircumvention features will be difficult to bypass.
1. Anticircumvention provisions on the device shall include, but are not limited to, prevention or preservation of any evidence of ~~cheating~~ circumvention by attempting to use a false or filtered breath sample or electronically bypassing the breath sampling requirements of a device.
 2. A device shall use special seals or other methods that reveal attempts to bypass lawful device operation.
- F.** A CIID shall have global positioning system capability, and the manufacturer shall electronically and wirelessly download in real-time from the device and transmit daily to the Department, a person's ignition interlock activity in an FTP batch file.
- G.** A CIID shall be equipped with a camera, which shall not distract or impede the driver in any manner from safe and legal operation of the vehicle, shall record all ignition interlock activity of the person, and shall provide any visual evidence of actual or attempted tampering, alteration, bypass, or circumvention, and report this information directly to the manufacturer.
- H.** The camera shall be able to record and store visual evidence of each person providing a breath alcohol test, and shall meet the following requirements:
1. At device installation, the camera shall take a reference picture of the person, which shall be kept on file;
 2. A clear photograph shall be taken for each event, including initial vehicle start, all rolling retests, and whenever a violation is recorded;
 3. Each photograph shall be a wide-angle view of the front cabin of the vehicle, including the passenger side, to ensure the camera can clearly capture the entire face of the person and any passengers; and
 4. The camera shall produce a digital image, identifiable verification, or a photograph of the person in all lighting conditions, including brightness, darkness, and low light conditions.
- F.I.** A device shall:
1. ~~Allow a free restart of a motor vehicle's ignition, within three minutes after the ignition is switched off, without requiring another breath alcohol test.~~
 2. Automatically purge alcohol before allowing analysis.
 3. Have a data storage system with the capacity to sufficiently record and maintain a record of the participant's person's daily driving activities that occur between each regularly scheduled accuracy and compliance calibration check referenced under R17-5-610 and R17-5-706. A manufacturer or its authorized installer An IISP shall download and transmit any digital images taken during a participant's person's accuracy and compliance calibration check, during each rolling retest, and each time a person with the ignition interlock requirement or another individual starts the motor vehicle. A manufacturer or its authorized installer shall make these digital images available to the Department on request.
 4. Use the most current version of the manufacturer's software and firmware to ensure compliance with this Article and any other applicable rule or statute, and the The manufacturer's software and firmware shall:
 - a. ~~Shall require~~ Require device settings and operational features to include, but ~~are~~ not limited to, sample delivery requirements, ~~startup and retest set points~~ the set point, free restart, rolling retest requirements, violation settings, ~~and lock-out conditions~~ temporary and permanent lock-outs; and



- b. ~~Shall not allow~~ Prohibit modification of the device settings or operational features by a service center, or ~~service representative~~ an IISP-certified technician unless the Department approves the modification under ~~subsection (G)~~ subsection (J).
- ~~5.4.~~ Record all emergency bypasses in its data storage system.
- 5. Provide a visual reminder on the device that a calibration check must be performed on the person's CIID every 90 days, with prominent device notifications during each 77-day to 90-day interval within a person's ignition interlock period, of the following:
 - a. The device needs service; and
 - b. The time remaining until a permanent lock-out occurs.
- 6. Require a participant to perform a rolling retest within five to 15 minutes after the initial test required to start an engine, and the device shall continuously require additional rolling retests at random intervals of up to 30 minutes after each previously requested retest as follows:
 - a. A device shall emit a warning light, tone, or both, to alert a participant that a rolling retest is required.
 - b. A device shall allow a period of six minutes after the warning light, tone, or both, to allow a participant to take a rolling retest.
 - c. A device shall require a participant to perform a new test to restart an engine if it is inadvertently switched off during or after a rolling retest warning.
 - d. A device shall use the startup set point value as its retest set point value.
 - e. A device shall record, in its data storage system, the result of each rolling retest performed by a participant during the participant's ignition interlock period and any valid and substantiated missed rolling retests; and
 - f. A device shall immediately require another rolling retest each time a participant refuses to perform a requested rolling retest.
- 6. Notify a person that failure to get the calibration check, including calibration and data download, by the end of each 90-day period will cause the vehicle to be in a permanent lock-out mode, and shall record the event in the data storage system.
- 7. Until a participant successfully performs a rolling retest, or the engine is switched off, a device shall record in its data storage system, each subsequent refusal or failure of the participant to perform the requested rolling retest.
- 8. On recording a violation of A.R.S. Title 28, Chapter 4, Article 5, for one instance of tampering or circumvention, or any ignition interlock device malfunction, emit a unique cue, either auditory, visual, or both, to warn a participant person that the device will enter into a lock-out condition in 72 hours unless reset by the installer an early recall is initiated, requiring the person to return to the IISP in 72 hours for a violation reset.
- 8. Enter into a permanent lock-out if a person does not return to the IISP for a violation reset within 72 hours after an early recall occurs.
- 9. When a violation results in a permanent lock-out condition mode, the device shall:
 - a. Immobilize the participant's person's vehicle;
 - b. Uniquely record the event in the data storage system; and
 - c. Require a violation reset by the installer IISP.
- 10. Enter into a temporary lock-out mode for five minutes when the device detects during the initial breath alcohol test that a person's breath alcohol concentration is at or above the set point.
- 11. After the five-minute temporary lock-out, the device shall allow subsequent breath alcohol tests with no further lock-out as long as each subsequent test produces a valid and substantiated breath test.
- 12. Have security protections and the capability to provide visual evidence of any actual or attempted tampering, alteration or bypass of the device, or circumvention.
- ~~G.I.~~ No modification shall be made to the design or operational concept of a device model after the Department has certified the device for installation under Arizona law, except that:
 - 1. A software or firmware update required to maintain a device model is permissible if the update does not modify the design or operational concept of the device.
 - 2. Replacement, substitution, or repair of a part required to maintain a device model is permissible if the part does not modify the design or operational concept of the device.
 - 3. If a manufacturer determines that an existing Department-certified ignition interlock device model requires ~~a~~ any modification, ~~that may affect the operational concept of a device,~~ the manufacturer shall immediately notify the Department.

R17-5-604. Ignition Interlock Device Certification; Application Requirements

- A. A manufacturer shall offer for installation only an ignition interlock device that is certified by the Department under this Section.
- B. ~~For certification of an~~ To certify an ignition interlock device model, a manufacturer shall submit to the Department a properly completed application form that provides:
 - 1. The manufacturer's name;
 - 2. The address of the manufacturer's principal place of business in this state, ~~established places of business in this state,~~ and telephone ~~numbers~~ number;
 - 3. The manufacturer's status as a sole proprietorship, partnership, limited liability company, or corporation;
 - 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 - 5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
 - 6. The manufacturer's electronic mail address.
- ~~6.7.~~ The following statements, signed by the ~~manufacturer's authorized representative and acknowledged by a notary public or Department agent~~ manufacturer:
 - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;



- b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona from all liability for:
 - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or ~~its authorized installer~~ the manufacturer's authorized IISP relating to the installation and operation of the ignition interlock device; and
 - ii. All court costs, expenses of litigation, and reasonable attorneys' fees;
 - c. A statement that the manufacturer agrees to comply with all requirements under this Article; and
 - d. A statement that the manufacturer agrees to immediately notify the Department of any change to the information provided on the application form.
- C. A manufacturer shall submit the following additional items with the application form:
1. A document that provides a detailed description of the ignition interlock device and a photograph, drawing, or other graphic depiction of the device;
 2. A document that contains the complete technical specifications for the accuracy, reliability, security, data collection, recording, and tamper detection capabilities of the ignition interlock device;
 3. An independent laboratory's report for each device model that:
 - a. Presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), ~~Appendix A Quality Assurance Plan Template, and Appendix B Sample Format For Downloaded Data From The Interlock Data Logger~~, NHTSA, published at 78 FR 26862 to ~~26867-26866~~, May 8, 2013-, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015. The NHTSA specifications and technical corrections are incorporated by reference and are on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007, and the NHTSA Office of Research and Technology (NTS-131), 400 7th St. S.W., 1200 New Jersey Avenue SE, Washington, D.C. 20590. This incorporation by reference contains no future editions or amendments;
 - b. Provides the independent laboratory's name, address, and telephone number; and
 - c. Provides the name and model number of the ignition interlock device tested.
 4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required under subsection (C)(3) ~~and acknowledged by a notary public or Department agent~~, that states all of the following:
 - a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists;
 - b. The laboratory tested the ignition interlock device in accordance with the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), ~~Appendix A Quality Assurance Plan Template, and Appendix B Sample Format For Downloaded Data From The Interlock Data Logger~~, NHTSA, published at 78 FR 26862 to ~~26867-26866~~, May 8, 2013-, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
 - c. The laboratory confirms that the ignition interlock device meets or exceeds the test results required under the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), ~~Appendix A Quality Assurance Plan Template, and Appendix B Sample Format for Downloaded Data From The Interlock Data Logger~~, NHTSA, published at 78 FR 26862 to ~~26867-26866~~, May 8, 2013-, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
 - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device; ~~and~~
 - e. The laboratory presented accurate test results to the Department;
 5. ~~A list of all authorized installers of the ignition interlock device, including the name, location, telephone number, contact person, and hours of operation of each authorized installer;~~
 6. ~~A copy of the complete written instructions the manufacturer will provide to its authorized installers under R17-5-609 for installation and operation of the ignition interlock device for which the manufacturer seeks certification. The written instructions shall include a requirement for the installer to affix, to each certified ignition interlock device installed, a warning label that conforms to the criteria prescribed under R17-5-609, as illustrated on the application form provided by the Department;~~
 7. ~~A copy of the complete written instructions the manufacturer shall provide to its authorized installers under R17-5-609 for distribution under R17-5-704 to participants and other operators of a vehicle equipped with the ignition interlock device for which the manufacturer seeks certification; and~~
 8. ~~5.~~ A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
 - a. A product liability policy with a current effective date;
 - b. The name and model number of the ignition interlock device model covered by the policy;
 - c. Policy coverage of ~~at least \$1,000,000 and \$3,000,000 in the aggregate~~;
 - d. The manufacturer as the insured and the state of Arizona as an additional insured;
 - e. Product liability coverage for defects in manufacture, materials, design, calibration, installation, and operation of the ignition interlock device; and
 - f. The insurance company shall notify the ~~Department~~ Department's Risk Management, Insurance and Indemnification Section in writing at least 30 days before canceling the product liability policy.
 6. A statement that the ignition interlock device has a camera, includes a global positioning system, and provides real-time reporting.
- ~~D.~~ On or before April 1, 2015, a manufacturer shall submit a new application form and all the information required in this Section to the Department to certify any new ignition interlock device, or recertify an existing ignition interlock device, to the NHTSA specifications in subsection (E). For each ignition interlock device, a manufacturer shall submit a new laboratory report from an independent laboratory to the Department that presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the NHTSA specifications.
- ~~E.~~ D. Beginning on April 1, 2015 July 1, 2018, for any new installation of an ignition interlock device or any replacement of a device on a participant's person's motor vehicle with another device, ~~a manufacturer or its authorized installer~~ an IISP or an IISP-certified technician shall install only a certified ignition interlock device that meets the additional requirements in this Article, and meets or exceeds



the test results required by the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), ~~Appendix A—Quality Assurance Plan Template, and Appendix B—Sample Format For Downloaded Data from the Interlock Data Logger~~, NHTSA, published at 78 FR 26862 to ~~26867~~ 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

- E.** A person whose CIID was installed prior to July 1, 2018, and the device meets or exceeds the 2013 NHTSA specifications, with the 2015 NHTSA technical corrections, and continues to operate properly, shall keep the CIID on the person's vehicle.

R17-5-605. Application Processing; ~~Time frames~~ Time Frames; Exception

- A.** The Department shall process an application for ignition interlock device certification ~~under this Article or Article 7, or an application for recertification under R17-5-702~~, only if an applicant meets all applicable application requirements.
- B.** The Department shall, within 10 days of receiving an application for certification ~~or recertification~~, provide notice to the applicant that the application is either complete or incomplete.
1. The date of receipt is the date the Department ~~stamps on the application when received~~ receives the application.
 2. If an application is incomplete, the notice shall specifically identify what required information is missing.
- C.** An applicant with an incomplete application shall provide all missing information to the Department within 15 days of the date indicated on the notice provided by the Department under subsection (B).
1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
 2. The Department may deny certification ~~or recertification of an ignition interlock device~~ if the applicant fails to provide the required information within 15 days of the date indicated on the notice ~~provided by the Department under subsection (B)~~.
- D.** Except as provided under subsection (F), the Department shall render a decision on an application for certification of an ignition interlock device or recertification under this Article or Article 7, within 30 days of the date indicated on the notice acknowledging receipt of a complete application ~~provided to the applicant under subsection (B) or provided to the applicant under subsection (C) subsections (B) or (C)(1)~~.
- E.** For the purpose of A.R.S. § 41-1073, the Department establishes the following ~~time frames~~ time frames for processing an application for certification ~~or recertification of an ignition interlock device under this Article or Article 7~~:
1. Administrative completeness review ~~time frame~~ time frame: 10 days.
 2. Substantive review ~~time frame~~ time frame: 30 days.
 3. Overall ~~time frame~~ time frame: 40 days.
- F.** Established ~~time frames~~ time frames may be suspended by the Department under A.R.S. § 41-1074 for certification of an ignition interlock device until the Department receives all external agency approvals required for certifying a new ignition interlock device model are submitted by a manufacturer under R17-5-604 from the Department of Public Safety.

R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing

- A.** An application for certification of an ignition interlock device model is complete when the Department receives:
1. From the manufacturer, a properly prepared application form;
 2. From the manufacturer, all additional items required under R17-5-604(C); ~~and~~
 3. From the Arizona Department of Public Safety, under A.R.S. § 28-1462, written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets or exceeds the NHTSA specifications in R17-5-604(C); ~~and~~
 4. From the manufacturer, a letter or notification that the device meets the following standards:
 - a. The anticircumvention features in R17-5-603(E).
 - b. The data storage capacity requirement in R17-5-603(I)(2), and
 - c. The constant communication requirement in R17-5-610(P).
- B.** The Director shall deny an application for certification of an ignition interlock device model if all requirements of subsection (A) are not met, or on finding any of the following:
1. The design, ~~materials~~ material, or workmanship ~~contains a defect that causes~~ is defective, causing the ignition interlock device model to fail to function as intended;
 2. The manufacturer's product liability insurance coverage is terminated or canceled;
 3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
 4. The manufacturer or the independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
 5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C); ~~the requirements in this Article~~; or
 6. The Department receives a report of device disapproval from an independent laboratory or other external reviewer.
- C.** The Department shall mail to the manufacturer, written notification of the certification or denial of certification of an ignition interlock device model. A notice denying certification of an ignition interlock device model shall specify the basis for the denial and indicate that the applicant may, within 15 days of the date on the notice, request a hearing on the Director's decision to deny certification by filing a written request with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
- D.** If a manufacturer timely requests a hearing on the Director's decision to deny certification of an ignition interlock device model, the Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

R17-5-607. Cancellation of Device Certification; Hearing

- A.** The Director shall cancel an ignition interlock device model certification and remove the device from its list of ~~certified ignition interlock devices CIID's~~ on finding any of the following:
1. The design, ~~materials~~ material, or workmanship contains a defect that causes the ignition interlock device model to fail to function as intended;
 2. The manufacturer's product liability insurance coverage is terminated or canceled;



3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
 4. The manufacturer or independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
 5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C);
 6. The manufacturer instructs the Department to cancel its certification of the ignition interlock device model; or
 7. The manufacturer, ~~its authorized installer~~ the IISP, or the device does not comply with this Article or any other applicable rule or statute; or
 8. If the manufacturer has not contracted with an IISP authorized by the Department within one year after the device model certification.
- B. The Department, on finding any of the conditions described under subsection (A), or on finding that the ~~reporting~~ manufacturer failed to timely remedy the issues identified in the notice provided under ~~R17-5-602(E)~~ R17-5-602(H), shall mail to the manufacturer a notice and order of cancellation of certification for the specific ignition interlock device model. The notice and order of cancellation shall:
1. Specify the basis for the action;
 2. Specify the date when the one-year decertification begins and ends; and
 3. State that the manufacturer may, within 15 days after receipt of a notice and order of manufacturer device model cancellation, file a written request for a hearing with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5, to show cause as to why the ignition interlock device certification should not be cancelled.
- C. If a hearing to show cause is timely requested, the Department's Executive Hearing Office shall conduct the hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The request for a hearing stays the summary cancellation of manufacturer device model certification.
- D. Within 10 days after a hearing, the hearing officer shall issue to the manufacturer a written decision, which shall:
1. Provide findings of fact and conclusions of law; and
 2. Grant or cancel the certification.
- E. If the hearing officer affirms the manufacturer device model cancellation, the manufacturer may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6, within 35 days of the date when a copy of the decision sought to be reviewed is served upon the party affected unless the court grants a stay while the appeal is pending.
- F. Within 60 days after the effective date of an order of cancellation, the manufacturer shall, at the manufacturer's own expense, ensure the removal of all ignition interlock devices that are not certified and facilitate the replacement of each device with a ~~certified ignition interlock device~~ CIID.
- G. The manufacturer of a previously decertified ignition interlock device model may reapply to the Department for certification of ~~the~~ another ignition interlock device model under R17-5-604 after the one-year device decertification period ends.
- H. ~~During the period of~~ After cancellation, the Department shall notify ~~each authorized installer of the manufacturer and each service representative~~ the IISP and the IISP-certified technicians that each of them is prohibited from installing the ignition interlock device for which the device certification was cancelled.
- I. Cancellation of a manufacturer's device model certification prohibits the manufacturer from performing its duties with respect to the device model that has been cancelled and making the device model available for installation in the state for a period of one year from the latest of the following dates when:
1. The Department cancels a manufacturer's device model certification, or
 2. The Department's Executive Hearing Office cancels the manufacturer's device model certification.

R17-5-608. Modification of a Certified Ignition Interlock Device Model

- A. A manufacturer shall notify the Department in writing at least 10 days before a material modification is made to a certified ignition interlock device model.
- B. Before providing a previously certified but materially modified ignition interlock device model for installation in a motor vehicle under an order of an Arizona court or the Department, a manufacturer shall:
1. Submit to the Department a completed application form with the information required under R17-5-604(B) and all additional items required under R17-5-604(C), and
 2. Obtain certification of the materially modified ignition interlock device from the Department.
- C. The Department's certification of a materially modified ignition interlock device model does not affect the original certification of the unmodified model.

R17-5-609. ~~Manufacturer Referral to Authorized Installers; Manufacturer Oversight of its Authorized Installers~~ IISP and Manufacturer Responsibilities

- ~~A. A manufacturer shall perform a background records check on a manufacturer's authorized installer to determine:~~
- ~~1. Each authorized installer's past employment history;~~
 - ~~2. That each authorized installer provides good customer service and adequately serves the public interest;~~
 - ~~3. That each authorized installer has certified that the authorized installer has not had a felony conviction in the five years preceding the individual's request for certification; and~~
 - ~~4. The authorized installer's motor vehicle record, driver license status, and the existence of any driving under the influence convictions.~~
- ~~B. In this Section, conviction means that a court of competent jurisdiction, after adjudication, found the individual guilty.~~
- ~~C. A manufacturer shall refer a participant only to an authorized installer.~~
- ~~D. A manufacturer shall provide the Department with a toll-free telephone number for a participant to call to obtain names, locations, telephone numbers, contact persons, and hours of operation for its authorized installers.~~



- ~~E.~~ A manufacturer shall notify the Department within 10 days of a change of address of its principal or established place of business in this state.
- ~~F.~~ A manufacturer shall ensure that its authorized installer follows the installation and operation procedures established by the manufacturer.
- ~~G.~~ A manufacturer shall ensure that its authorized installer receives and maintains all necessary training and skills required to install, troubleshoot, examine, and verify proper operation of the certified ignition interlock device.
- ~~H.~~ A manufacturer shall ensure that its authorized installer:
 - 1. Complies with the manufacturer's procedures for removing a certified ignition interlock device from a vehicle, and
 - 2. Electronically notifies the Department within 24 hours after removing a certified ignition interlock device.
- ~~I.~~ A manufacturer shall ensure that its authorized installer distributes and makes available for every participant operating a motor vehicle equipped with a certified ignition interlock device, the manufacturer's written instructions for the following:
 - 1. Operating a motor vehicle equipped with the certified ignition interlock device;
 - 2. Cleaning and caring for the certified ignition interlock device; and
 - 3. Identifying and addressing any vehicle malfunctions or repairs that may affect the certified ignition interlock device.
- ~~J.~~ A manufacturer shall ensure that its authorized installer provides to every participant, and makes available for any participant operating a motor vehicle equipped with a certified ignition interlock device, the manufacturer's specified training on how to operate a motor vehicle equipped with the device.
- ~~K.~~ A manufacturer or installer shall provide a warning label, for each certified ignition interlock device installed, which shall:
 - 1. Be of a size appropriate to each device model;
 - 2. Have an orange background; and
 - 3. Contain the following language in black lettering: "Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor."
- ~~L.~~ A manufacturer shall ensure that its authorized installer affixes conspicuously to each installed certified ignition interlock device the warning label described under subsection (K).
- A. An IISP shall refer a person only to the IISP's certified technician.
- B. An IISP shall provide the Department and each person with a toll-free telephone number to call to obtain the names and phone numbers of the IISP's certified technicians, the IISP service center locations, and hours of operation for the IISP service centers.
- C. An IISP shall certify each technician by providing adequate training and oversight for the technician to perform one of the activities at a service center, which are installation, inspection, calibration, service, or removal of a CIID.
- D. An IISP shall provide to every person operating a motor vehicle equipped with a CIID, and any other persons who will operate the motor vehicle, training on how to operate the motor vehicle. An IISP shall instruct the person on all of the following:
 - 1. How to use the system;
 - 2. How to obtain service for the CIID;
 - 3. How to find answers to any additional questions;
 - 4. How the alcohol retest feature works;
 - 5. How drinking alcohol before a test may result in a reading of sensitive or fail;
 - 6. How the CIID shall not be removed, except by an IISP or IISP-certified technician;
 - 7. How noncompliance with a regularly scheduled calibration check for a person with a limited or restricted driving privilege shall result in suspension of the person's driving privilege under A.R.S. § 28-1463 until proof of compliance is submitted to the Department under A.R.S. § 28-1461, and the duration of the person's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
 - 8. What the penalties are for circumvention of the CIID;
 - 9. What the penalties are for tampering with, or misusing the CIID;
 - 10. What will happen after failing a start-up breath alcohol test;
 - 11. What will happen after a person has a set of three consecutive valid and substantiated missed rolling retests within an 18-minute time frame during a drive cycle; and that a person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition;
 - 12. What events or actions will result in a temporary or permanent lock-out of the CIID; and
 - 13. How to provide a properly delivered alveolar breath sample.
- E. An IISP shall have each person sign a document stating that the IISP has instructed the person regarding each topic contained in subsections (D) and (L), and has received the manufacturer's written instructions for operation of the CIID.
- F. An IISP shall inform a person that a compliance check on a CIID is required 30 days and 60 days after installation of the device, which shall be done electronically.
- G. An IISP shall inform each person to bring the vehicle to a service center for a calibration check within every 77 to 90-day period until the person is eligible for device removal.
- H. An IISP shall check each CIID for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each person's calibration check at a service center as required under R17-5-706.
- I. An IISP shall ensure that the manufacturer reports to the Department electronically under R17-5-610 if any evidence of tampering is discovered, and the manufacturer shall submit valid and substantiated proof or evidence of a reportable activity. An IISP shall keep visual evidence of a person's tampering or circumvention for a minimum of three years after the termination of the person's required ignition interlock period.
- J. An IISP shall submit to the Department a list of the IISP-certified technicians, subcontractors, or agents, and service centers at the beginning of the contract with the Department, within 5 business days of making a change to the list previously provided, and on a monthly basis as requested by the Department.
- K. An IISP shall comply with the provisions of this Article and A.R.S. Title 28, Chapter 4, Article 5.
- L. A manufacturer shall develop and an IISP shall provide each person a reference and problem solving guide at the time of installation that shall include information on the following:
 - 1. Operating a motor vehicle equipped with the CIID;



2. Cleaning and caring for the CIID; and
3. Identifying and addressing any vehicle malfunctions or repairs that may affect the CIID.
- M.** A manufacturer shall notify the Department within 10 days of a change of address of its principal place of business in this state.
- N.** A manufacturer or an IISP shall provide a warning label, for each CIID installed, which shall have an orange background and shall include the following:
 1. Be a minimum size of two inches by one inch;
 2. Be printed in a minimum of nine-point font;
 3. Be printed in Arial font, or a font of substantially similar size and legibility; and
 4. Contain the words in black lettering: "Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor."
- O.** A manufacturer shall ensure that the IISP or the IISP-certified technician affixes conspicuously and maintains on each installed CIID the warning label described under subsection (N), which may be affixed to the device or to the device's cord.
- P.** A manufacturer shall develop written instructions for the installation and removal of an ignition interlock device from a motor vehicle.
- Q.** While a person maintains a functioning CIID in a vehicle under A.R.S. Title 28, Chapter 4, Article 5, the ignition interlock manufacturer shall electronically provide to the Department and transmit daily to the Department the information and reports prescribed in R17-5-610 and R17-5-615.
- R.** The manufacturer is responsible for overseeing any agents or subcontractors, including vendors and distributors, as well as overseeing the manufacturer's IISP to ensure adherence to all performance standards.

R17-5-610. ~~Installation Verification; Accuracy Check; Non-compliance and Removal Reporting; Report Review Reporting;~~ Reportable Activity

- A.** A participant person shall have installed in a motor vehicle, only an ignition interlock device certified by the Department under R17-5-604.
- B.** A manufacturer shall ~~comply, and develop and the IISP shall ensure that its authorized installer~~ each IISP-certified technician complies, with ~~its the IISP's~~ written procedures for the installation of a ~~certified ignition interlock device~~ CIID.
- C.** Certified ignition interlock device installation verification.
 1. A manufacturer shall electronically transmit, ~~or ensure that its authorized installer electronically transmits,~~ a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours of ~~installing a certified ignition interlock device~~ the device installation.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
 - a. ~~Installer ID~~ Department-assigned service center number;
 - b. ~~Participant's~~ Person's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. ~~Removal date; and~~
 - h. ~~Report type;~~
 - i. Technician identification number;
 - j. A unique identification number for the CIID;
 - k. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
 - l. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- D.** Certified ignition interlock device ~~accuracy and compliance~~ calibration check.
 1. A manufacturer shall ensure that its authorized installer schedules a participant for accuracy and compliance checks as follows:
 - a. ~~30 days, 60 days, and 90 days after installation of a certified ignition interlock device; and~~
 - b. ~~At least once every 90 days after the first 90-day accuracy and compliance check until the participant is eligible for device removal.~~
 2. A manufacturer shall electronically transmit, ~~or ensure that the manufacturer's authorized reporting installer electronically transmits,~~ a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after performing ~~an accuracy and compliance~~ a calibration check on an installed ~~certified ignition interlock device~~ CIID.
 3. A manufacturer ~~or the manufacturer's authorized reporting installer~~ shall submit to the Department the following valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), within 10 days by electronic means ~~or by regular mail,~~ which shall include:
 - a. A summary report summarizing stating why the data logger or any other evidence confirms the occurrence of a violation, including any photographs of the person; and
 - b. A data logger that shows at least 12 hours of data before and after the violation.
 4. A manufacturer ~~or the manufacturer's authorized reporting installer~~ may submit to the Department the following additional valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), if available, within 10 days by electronic means ~~or by regular mail,~~ which may include:
 - a. Photographs;
 - b. Video recordings;
 - c. Written statements; and
 - d. Any other evidence relevant to a violation.
 5. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the ~~accuracy and compliance~~ calibration check shall contain all of the following information:



- a. ~~Installer ID~~ Department-assigned service center number;
 - b. ~~Participant's Person's~~ full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - ~~g. Removal date;~~
 - ~~h.g.~~ Report type;
 - ~~i.h.~~ Missed rolling retest count, ~~and dates, and times;~~
 - ~~j.i.~~ ~~Noncompliance code~~ Technician identification number;
 - ~~k.j.~~ Alcohol concentration violation count, ~~and dates, time, and alcohol concentration;~~
 - ~~l.k.~~ Tampering violation count, ~~date; dates, and time;~~
 - l. Circumvention count, dates, and time;
 - m. Device download date; ~~and~~
 - n. Device download time; ;
 - o. Bypass code indication, date, and time;
 - p. A unique identification number for the CIID;
 - q. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
 - r. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- E. Certified ignition interlock device removal report.
1. ~~When a certified ignition interlock device is removed, A~~ a manufacturer shall electronically transmit; ~~or ensure that its authorized installer electronically transmits,~~ a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours ~~if a certified ignition interlock device is removed before the end of a participant's certified ignition interlock device period.~~
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
 - a. ~~Installer ID~~ Department-assigned service center number;
 - b. ~~Participant's Person's~~ full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Removal date;
 - h. Report type; ~~and~~
 - i. ~~Noncompliance code.~~ Technician identification number;
 - j. A unique identification number for the CIID;
 - k. The last six digits of the vehicle identification number that matches the vehicle information on the data logger;
 - l. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID;
 - m. Missed rolling retest count, dates, and times;
 - n. Device download date; and
 - o. Device download time.
- F. Reportable activity for a ~~participant's person's~~ noncompliance with these rules and A.R.S. Title 28, Chapter 4, Article 5, shall be limited to valid and substantiated instances by a ~~participant person~~ of any of the following:
1. Tampering with a ~~certified ignition interlock device~~ CIID as defined in A.R.S. § 28-1301;
 2. ~~A missed rolling retest as defined in R17-5-601; Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute timeframe during a person's drive cycle;~~
 3. Failing to provide proof of compliance or inspection of the ~~certified ignition interlock device~~ CIID as required under A.R.S. § 28-1461(E)(4);
 4. Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in ~~A.R.S. § 28-1381(A)~~ A.R.S. § 28-1461(E)(5) if the ~~participant person~~ is at least 21 years of age;
 5. Attempting to operate the vehicle with an alcohol concentration in excess of the ~~startup~~ set point if the ~~participant person~~ is under 21 years of age; ~~or~~
 6. Circumvention of a CIID as defined in R17-5-601; or
 - ~~6.7.~~ Disconnecting or removing a ~~certified ignition interlock device~~ CIID, except:
 - ~~a. On receipt of Department authorization to remove the device;~~
 - ~~b.a.~~ On repair of the vehicle, if the ~~participant person~~ provided to the ~~manufacturer, installer, IISP-technician,~~ or service center advance notice of the repair and the anticipated completion date; or
 - ~~e.b.~~ On ~~replacement of~~ moving the device from one ~~motor~~ vehicle ~~with~~ to another ~~motor~~ vehicle if replacement of the device is accomplished within 72 hours of device removal.
- G. A ~~participant person~~ shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition. A missed rolling retest is reportable activity for a ~~participant's person's~~ noncompliance under subsection (F).
- ~~H. The Department shall count one missed rolling retest for a participant who refuses or fails to provide a valid and substantiated breath sample in response to a requested rolling retest if not followed by the participant providing a valid and substantiated breath sample within six minutes.~~



- ~~J.H.~~ A manufacturer ~~or its authorized reporting installer~~ shall screen ~~a participant's~~ each person's data loggers to ensure that there is no improper reporting. ~~A manufacturer or its authorized reporting installer shall report to the Department any valid and substantiated missed rolling retests, as defined in R17-5-601, that occur during a participant's ignition interlock period.~~
- ~~I.~~ Beginning on April 1, 2015, the Department shall extend the ignition interlock period for six months, as provided in A.R.S. § 28-1461(E) for any set of four missed rolling retests that occur during the participant's ignition interlock period.
- ~~I.L.~~ A manufacturer ~~or its authorized installer~~ shall ensure that a certified ignition interlock device CIID has the necessary programming to identify each ~~participant's~~ person's ignition interlock period and each drive cycle to report and send data and violations to the Department as required by these rules.
- ~~M.J.~~ A manufacturer ~~or its authorized reporting installer~~ shall review within 10 days all reports generated by the Department and returned to the manufacturer ~~or installer~~ for verification of accurate reporting. If a manufacturer ~~or its authorized installer~~ finds that the reported information does not indicate valid and substantiated evidence of a violation, the manufacturer ~~or its authorized installer~~ shall immediately contact the Department to correct the ~~participant's~~ person's record before corrective action is initiated against a ~~participant person~~ as a result of misreported ignition interlock data.
- ~~K.~~ A manufacturer shall provide written notice, as requested, to the Department of each authorized reporting installer who is authorized to send data loggers, reports, and other participant records to the Department.
- ~~N.K.~~ A manufacturer ~~or its authorized reporting installer~~ shall immediately contact the Department if the manufacturer ~~or its authorized reporting installer~~ finds that the reported information indicates:
1. An obvious mechanical failure of a certified ignition interlock device CIID;
 2. Obvious errors in the recorded, certified ignition interlock device CIID data that cannot be attributed to a ~~participant's~~ person's actions; or
 3. Obvious errors in the transmission of certified ignition interlock device CIID data to the Department, including misreported instances of tampering.
- ~~L.~~ A manufacturer shall ensure that a CIID electronically and wirelessly uploads data in real-time to the manufacturer's website, that is maintained by the manufacturer, and the manufacturer shall submit all required information and reports in a daily FTP file to the Department.
- ~~M.~~ In cases where no electronic or digital service exists, the manufacturer shall store the data and send the data as soon as electronic or digital service is available.
- ~~N.~~ A manufacturer shall include the date of the last upload on the person's account on the manufacturer's website.
- ~~O.~~ A CIID shall have constant communication between the manufacturer's server and relay unit while the device is in use.
- ~~P.~~ All data, including photographs, shall be available to the Department for viewing on the manufacturer's website within five minutes after the data is recorded on the device, or as soon as electronic or digital reception permits.
- R17-5-611. Emergency Assistance by Manufacturers and Authorized Installers; Continuity of Service to Participants Persons**
- A. ~~A manufacturer shall ensure~~ For events occurring outside of normal business hours, an IISP that its authorized installer provides shall provide to each participant person a 24-hour emergency toll-free phone number answered by a live person at all times, to provide for assistance in the event a certified ignition interlock device CIID fails to operate properly or a vehicle experiences a problem relating to the installation, operation, or failure of a certified ignition interlock device CIID.
1. ~~Within two hours after receiving a participant's call for emergency assistance~~ During normal business hours, if the authorized installer IISP or technician receives a call for emergency assistance, and determines that a vehicle is experiencing a problem relating to the installation, operation, or failure of a certified ignition interlock device CIID, the authorized installer shall an IISP or a technician shall respond to the call within 24 hours of the initial contact and shall be available either to:
 - a. Provide telephonically, the technical information required for the ~~participant person~~ to resolve the issue; or
 - b. Provide or arrange for appropriate towing or roadside assistance services if unable to resolve the issue telephonically.
 2. ~~Within 48 hours after~~ After receiving a participant's person's call for emergency or other assistance, the authorized installer IISP, technician, or manufacturer, as appropriate, shall either:
 - a. Make the certified ignition interlock device CIID functional, if possible, within 24 hours, or
 - b. Replace or repair the certified ignition interlock device CIID within 48 hours of the initial contact.
- B. ~~A manufacturer~~ An IISP shall ensure uninterrupted service to a participant person for the duration of the participant's person's certified ignition interlock period, which shall include facilitating the immediate replacement of an authorized installer if the installer a technician, subcontractor, or an employee or agent who goes out of business, its recertification is denied, is removed, or its a technician whose certification is cancelled by the Department under R17-5-708 IISP.
1. ~~If a manufacturer terminates its authorized installer's the IISP's authorization appointment, or the Department cancels the installer's certification or denies recertification under R17-5-708, the manufacturer shall:~~ obtain each person's records from the IISP and retain the records according to R17-5-612.
 - a. Obtain participant records from its formerly authorized installer; and
 - b. Provide the participant records to a new authorized installer for retention according to R17-5-612; or
 - c. Retain the participant records according to R17-5-612, if a new authorized installer is not appointed.
 2. At the end or termination of an ignition interlock service authorization agreement, the manufacturer shall provide the Department with electronic access to each person's ignition interlock records for three years.
 - 2.3. ~~If a manufacturer appoints~~ authorizes a new authorized installer, IISP, the manufacturer shall: notify each person affected by the authorization of the new IISP at least 30 days before the authorization becomes effective.
 - a. Ensure that the new authorized installer operates either:
 - i. A mobile service center that is located within 75 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; or
 - ii. A service center that is a permanent facility located within 125 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; and



- b. Notify each participant affected by the appointment of the new authorized installer at least 30 days before the appointment becomes effective.
- 3-4. If a manufacturer does not appoint authorize a new authorized installer IISP, or its new authorized installer cannot provide service as prescribed under subsection (B)(2), the manufacturer at no cost to the participant person, shall:
 - a. Provide written notification to all participants persons who are affected by the change of authorized installers loss of an IISP or lack of service in an area, at least 30 days before the authorized installer IISP is to discontinue discontinues service. The written notification shall inform the participant person of the manufacturer's responsibility to facilitate removal and replacement of the certified ignition interlock device CIID and shall provide all of the instructions necessary for the participant person to successfully exchange the device;
 - b. Remove the device from the vehicle of each affected participant person; and
 - c. Facilitate the replacement of each device through a manufacturer with an authorized installer IISP that can provide service as prescribed under subsection (B)(2).
- 4-5. A manufacturer shall notify the Department within 72 24 hours of replacing its authorized installer IISP.
- 5-6. A manufacturer An IISP shall submit to the Department an updated list of its authorized the IISP's installers certified technicians within 40 5 business days after making a change to the list provided to the Department under R17-5-604, R17-5-609(J).
- C. Except in an emergency situation, a manufacturer, an IISP, or its authorized installer an IISP's-certified technician shall not remove another manufacturer's certified ignition interlock device CIID without the express permission of that manufacturer.
 - 1. If in an emergency situation a manufacturer, an IISP, or its authorized installer the IISP's-certified technician removes another manufacturer's certified ignition interlock device CIID, that manufacturer, or authorized installer IISP, or the IISP's-certified technician shall return the device to the original installer manufacturer within 72 hours of the emergency removal; and
 - 2. The original installer manufacturer, on receipt of the device, shall provide to the Department an electronic report of the device removal under R17-5-610, which shall include the transmission of all data stored in its data storage system.
- D. A manufacturer In accordance with the IISP's implementation plan, an IISP shall facilitate the immediate replacement of its authorized installer's the IISP's service center if the service center goes out of business or the installer's certification is cancelled or re-certification is denied under R17-5-708, service center is closed, and the IISP does not have a service center in the county. The manufacturer An IISP shall notify the Department within 72 hours of replacing a service center location in a county.
 - 1. If an out-of-business or cancelled a service center closes and is replaced, the manufacturer shall make all reasonable efforts to obtain, from the service center being replaced, all participant the individual ignition interlock records and data required to be retained under R17-5-612. The records shall be provided to, and maintained by the new service center IISP.
 - 2. If an out-of-business or cancelled closed service center is not replaced, the manufacturer shall retain the records and data as required under R17-5-612. The Department shall be notified of this event within 72 hours, and shall provide the Department with electronic access to the records and data.
 - a. The manufacturer shall facilitate removal of all installed certified ignition interlock devices CIID's no longer serviced by the out-of-business or cancelled closed service center, and shall bear the cost of replacing each device with a serviceable certified ignition interlock device CIID chosen by the person, even if the replacement device must be provided through an alternate manufacturer.
 - b. The manufacturer shall, within 30 days, make a reasonable effort to notify its customers of the change of service center or replacement of a device.
 - 3. If the manufacturer cannot comply with subsection (D)(1) or subsection (D)(2) within 60 days, the manufacturer IISP shall:
 - a. Notify its customers and the Department that service will be terminated; and
 - b. Remove each device at no cost to the customer.

R17-5-612. Records Retention; Submission of Copies and Quarterly Reports

- A. Records retention: A manufacturer During the duration of the ignition interlock service authorization agreement, an IISP shall retain, or ensure that its authorized installer retains, a participant's each person's ignition interlock activity records in an electronic format, including a secure database, or a paper format for three years after the removal of a certified ignition interlock device. The retained records shall consist of every document relating to installation, and operation, and removal of the certified ignition interlock device CIID. The installer IISP and the service center shall maintain all daily participant driving ignition interlock activity records of each person in the device's data storage system, and shall make participant records available to the Department on request at the principal place of business, or in a secure database at a commercial business location in this state, that the Department may access during posted business hours. An IISP shall inform the Department where all individual ignition interlock activity records are located.
- B. Prior to the end or termination of an ignition interlock service authorization agreement, the manufacturer shall obtain all person's ignition interlock records and provide the Department with electronic access to the records for three years.
- B-C. Copies of records and quarterly reports:
 - 1. A manufacturer shall ensure that its authorized reporting installer or the manufacturer provides provide copies of participants' each person's ignition interlock records to the Department within 10 days after Department personnel make a request for copies of records, including records relating to installation and operation of the certified ignition interlock device CIID.
- D.2. A manufacturer shall ensure that its authorized installer mails or e-mails electronically send to the Department, by the 10th day of January, April, July, and October, a quarterly report containing the following information for the previous three months:
 - a-1. The number of certified ignition interlock devices CIID's the authorized installer IISP currently has in service;
 - b-2. The number of certified ignition interlock devices CIID's installed since the previous quarterly report; and
 - e-3. The number of certified ignition interlock devices CIID's removed by the authorized installer IISP since the previous quarterly report.



- E.** An IISP shall maintain and make available to the Department the ignition interlock records of all persons served by the IISP, records relating to the authorization agreement, and employee background check information at a commercial business location in this state of the manufacturer or the IISP during normal business hours.

R17-5-613. Inspections and Complaints

- A.** The Department shall investigate any complaint that is related to a CIID or an IISP, or report of misconduct brought against a certified ignition interlock device manufacturer, installer, or installer-certified service representative, or against a service center for noncompliance with a provision of Articles 6 or 7 of this Chapter or A.R.S. Title 28, Chapter 4, Article 5.
- B.** To comply with certification and the enforcement provisions of A.R.S. § 28-1465, the Department may request the consent of a manufacturer or a manufacturer's authorized installer for periodic on-site inspections at the established place of business of a manufacturer, a manufacturer's authorized installer, or a service center to determine whether a manufacturer or a manufacturer's authorized installer is in compliance with the Department's ignition interlock program requirements established under Articles 6 and 7 of this Chapter and A.R.S. Title 28, Chapter 4, Article 5. An IISP and a manufacturer shall permit and fully cooperate with periodic on-site inspections of the IISP's service centers and principal places of business of the manufacturer at any time during normal business hours by an authorized representative of the Department, where records relating to the authorization agreement and individual ignition interlock device records are maintained.
- C.** The Department shall conduct ~~an inspection~~ on-site inspections of a manufacturer, ~~an installer~~, or a service center under the provisions of A.R.S. § 41-1009. The inspection shall include an examination of ~~participant~~ ignition interlock activity, records and verification of an adequate supply of the warning labels that meet the requirements of A.R.S. § 28-1462, ~~and R17-5-609, and R17-5-704.~~

R17-5-614. Ignition Interlock Device Installation Fee; Financial Records

- A.** An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.
- B.** An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP on ServiceArizona.com, or as specified by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.
- C.** An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.
- D.** An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP's website, that is available to all persons with an ignition interlock device requirement, and in a visible location at each of the IISP's service centers.
- E.** An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.
- F.** An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP's established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.

R17-5-615. Rolling Retest; Missed Rolling Retest; Extension of Ignition Interlock Period

- A.** A manufacturer shall report to the Department any valid and substantiated missed rolling retests, as defined in R17-5-601, that occur during the time period prescribed in subsection (E).
- B.** A CIID shall have the capability to require a rolling retest and meet the requirements of a rolling retest. A person shall be prompted for the first rolling retest within five to 15 minutes after the initial test required to start an engine, and the device shall prompt for additional rolling retests at random intervals of up to 30 minutes after each previously requested and passed rolling retest.
- C.** A certified ignition interlock device shall:
1. Emit a warning light, tone, or both, to alert a person that a rolling retest is required;
 2. Allow a period of six minutes after the warning light, tone, or both, to allow a person to take a rolling retest;
 3. Require a person to perform a new test to restart an engine if it is switched off during or after a rolling retest warning;
 4. Allow a free restart of a motor vehicle's ignition, within three minutes after the ignition is switched off, without requiring another breath alcohol test, except when a rolling retest is in progress;
 5. Use the set point value for startups and retests;
 6. Record, in its data storage system, the result of each rolling retest performed by a person during the person's drive cycle, and any valid and substantiated missed rolling retests; and
 7. Immediately require another rolling retest each time a person refuses to perform a requested rolling retest.
- D.** Until a person successfully performs a rolling retest, or the engine is switched off, a device shall record in its data storage system, each subsequent refusal or failure of the person to perform the requested rolling retest.
- E.** The Department shall count one missed rolling retest for a person who refuses or fails to provide a valid and substantiated breath sample in response to a requested rolling retest if not followed by the person providing a valid and substantiated breath sample within six minutes.
- F.** Failure to take a rolling retest when a person's breath alcohol concentration is equal to or exceeds the set point shall not sound the vehicle horn, nor any type of siren, bell, whistle or any device emitting a similar sound, or any unreasonable loud or harsh sound that is audible outside of the vehicle, and shall not cause the engine of the vehicle to shut off.
- G.** The Department shall extend a person's ignition interlock period for six months, as provided in A.R.S. § 28-1461(E) for any set of three consecutive missed rolling retests that occur within an 18-minute time frame during a drive cycle.
- H.** If during one drive cycle, a person who is at least 21 years of age, has two or more breath alcohol concentrations of 0.08 or more, the Department shall count this as one violation, and shall extend a person's ignition interlock period for six months.
- I.** If during one drive cycle, a person who is under 21 years of age, has any breath alcohol concentration one or more times, the Department shall count this as one violation, and shall extend a person's ignition interlock period for six months.



- J.** Except as provided in subsections (H) and (I), if during one drive cycle, a person has more than one violation as defined in R17-5-601, the Department shall extend a person's ignition interlock period for six months for each violation.

R17-5-616. Civil Penalties: Hearing

- A.** After notice and an opportunity for a hearing, the Director may impose a civil penalty pursuant to A.R.S. § 28-1465, against a manufacturer of a certified ignition interlock device for improper reporting to the Department of ignition interlock data, as defined in R17-5-601, that may cause the Department to erroneously initiate corrective action against a person. The Director may impose and collect a civil penalty against a manufacturer of a certified ignition interlock device, who is responsible for an occurrence of improper reporting, as follows:
- \$100 for the first occurrence, but not to exceed \$1,000 per series of occurrences of improper reporting on a specific date;
 - \$250 for the second occurrence, but not to exceed \$2,500 per series of occurrences of improper reporting on a specific date; and
 - \$500 for the third or subsequent occurrence, but not to exceed \$5,000 per series of occurrences of improper reporting on a specific date.
- B.** The Director, on finding that a manufacturer engaged in improper reporting, shall mail to the manufacturer a notice that civil penalties may be imposed for improper reporting. The notice shall:
- Specify the basis for the action; and
 - State that the manufacturer may, within 15 days after receipt of the notice, file a written request for a hearing with the Department's Executive Hearing Office as prescribed in 17 A.A.C. 1, Article 5.
- C.** A manufacturer who is aggrieved by an assessment, decision, or order of the Department under A.R.S. § 28-1465 and this Section may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6.
- D.** The manufacturer shall pay the civil penalty imposed under this Section to the Department no later than 30 days after the order is final.
- E.** Action to enforce the collection of a civil penalty assessed under subsection (A) shall be brought by the attorney general or the county attorney in the name of the state in the justice court or the superior court in which the hearing is held.

R17-5-617. Cease and Desist

- A.** If the Director has reasonable cause to believe that a party to an IISP authorization agreement is violating any provision of state statute, administrative rule, or the authorization agreement, the Director will immediately issue and serve a cease and desist order by mail to the IISP's last known address.
- B.** On receipt of the cease and desist order, the IISP shall immediately cease and desist from further engaging in any activity that is not authorized in state statute, administrative rule, or the agreement, and that is specified in the cease and desist order.
- C.** On failure of the IISP to comply with the cease and desist order, the IISP may request a hearing with the Department's Executive Hearing Office under 17 A.A.C. 1, Article 5 within 15 days. On failure of the IISP to comply with the cease and desist order, the Director will immediately cancel the agreement with the IISP.

R17-5-618. Service Centers: Mobile Services

- A.** An IISP shall have at least one readily accessible service center in each county in this state that performs all ignition interlock services, including service, calibration, installation, inspection, and removal of a CIID by a technician who is trained and certified by the IISP for the specific service area.
- B.** An IISP, subcontractor, agent, or an employee who operates a service center, or provides mobile services as an extended service provided by a service center on a temporary or emergency basis, shall meet the requirements in these rules before conducting CIID-related business in this state.
- C.** A service center shall maintain sufficient staffing to provide an acceptable level of ignition interlock device services during all posted business hours.
- D.** A technician that provides mobile services shall be stationed and employed at the IISP's service center and be certified in the ignition interlock service area the technician will provide.
- E.** When a service center technician provides mobile services, an IISP shall ensure that the service center has another technician or employee available at the service center to provide ignition interlock device services.
- F.** An IISP's service center shall:
- Be located in a permanent, fixed-site facility that accommodates installing, inspecting, downloading, calibrating, monitoring, maintaining, servicing, and removing a CIID;
 - Provide a designated waiting area for a person that is separate from the installation area;
 - Ensure that a person does not witness installation of the CIID;
 - Through the IISP, the IISP-certified technician or employee, provide the necessary training required by R17-5-609(D) for a person to operate a CIID;
 - Ensure that a technician meets the necessary requirements in order to receive and maintain certification before a technician or an IISP conducts ignition interlock device business in this state; and
 - Have the necessary equipment and tools to provide all ignition interlock services in a professional manner.
- G.** A service center that provides mobile services shall:
- Have the capability to provide all the ignition interlock services in subsection (F)(1);
 - Meet the requirements in subsection (F)(3) through (F)(6);
 - Have permission from the motor vehicle owner to provide mobile services; and
 - Ensure that a technician provides business identification to a person requesting service prior to performing services, along with the service center certificate and the technician's training certificate.
- H.** A service center that provides mobile services shall not operate from a tow truck.
- I.** An IISP that operates a service center, shall ensure that an IISP-certified technician utilizes all of the following:



1. The analysis of a reference sample such as headspace gas from a mixture of water and alcohol, the results of which shall agree with the reference sample predicted value, or other methodologies approved by the Department. The preparatory documentation on the reference sample solution, such as a certificate of analysis, shall be made available to the Department on request.
2. The set point value established under R17-5-601. All analytical results shall be expressed in grams of alcohol per 210 liters of breath (g/210L).
3. The most current versions of manufacturer software and firmware to ensure continuous compliance under this Article and A.R.S. Title 28, Chapter 4, Article 5.
- J. An IISP shall ensure that a motor vehicle used to provide mobile services from a service center has current vehicle registration in this state and maintains the required mandatory insurance and financial responsibility coverage in A.R.S. § 28-4009.
- K. A technician shall ensure that a person who receives mobile services receives the same level of training and service as a person who receives services at a service center.
- L. The manufacturer shall ensure that a CIID electronically transmits the Summarized Reporting Record for a calibration check to the Department as provided in R17-5-610(D)(4).

R17-5-619. Application: IISP Implementation Plan

- A. An IISP that applies for authorization of an ignition interlock service provider contract under A.R.S. § 28-1468 shall submit all documents and meet all the requirements in the ignition interlock service provider authorization agreement; in Title 28, Chapter 5, Article 4, Arizona Revised Statutes; and these rules.
- B. In addition to this information, an IISP shall submit to the Department, with the application, a detailed implementation plan that outlines the steps and time frames necessary for the IISP to be fully operational. The implementation plan must include:
 1. The IISP's plan for establishing a service center in every county in this state;
 2. The IISP's procedures for imposing progressive discipline on its employees, agents, or subcontractors who fail to comply with the requirements of Arizona statute; Department administrative rules; or the terms of the authorization agreement;
 3. A plan for transitioning ignition interlock services to another IISP that ensures continuous monitoring will occur if a participant decides to transition services to another IISP or if the IISP ceases conducting business or leaves this state;
 4. A means by which the IISP will provide all participant records and information or electronic access to the records and information to the ignition interlock device manufacturer in the event the IISP ceases conducting business or leaves this state. At the end or termination of an ignition interlock service authorization agreement, the manufacturer shall provide the Department with electronic access to all person's ignition interlock records for three years; and
 5. Documentation that the IISP is an authorized agent of the manufacturer and a point of contact for the manufacturer, including the IISP's telephone number and e-mail address.
- C. An IISP shall be approved by the Director through the application for authorization agreement process before offering ignition interlock services in the state.
- D. An IISP shall use this process to reapply to the Director for reauthorization of an ignition interlock service provider contract.

R17-5-620. Authorization Time Frame: Ignition Interlock Service Provider

- A. The Director shall, within 10 days of the date of receipt of an application for authorization of an ignition interlock service provider contract, provide notice to the IISP that the application is either complete or incomplete.
 1. The date of receipt is the date the Director receives the application.
 2. If an application is incomplete, the dated notice shall specifically identify the required information that is missing.
- B. An applicant with an incomplete application shall provide all missing information to the Director within 15 days of the Director's notice.
 1. After receiving all of the required information, the Director shall notify the IISP that the application is complete.
 2. The Director may deny an IISP's application if the IISP fails to provide the required information within 15 days of the Director's notice.
- C. The Director shall render a decision on an application for authorization within 30 days of the date on the notice acknowledging receipt of a complete application, provided to the applicant under subsections (A) or (B).
- D. If the Director denies an application for authorization, the Director shall notify the IISP in writing within 20 days after the denial, and of the grounds for the denial in accordance with A.R.S. § 28-1468 (E).
- E. For the purposes of A.R.S. § 41-1073, the Department establishes the following time frames for the purpose of reviewing an application for authorization:
 1. Administrative completeness review time frame: 10 days.
 2. Substantive review time frame: 30 days.
 3. Overall time frame: 40 days.
- F. The Director shall use this process for reapplication for authorization of an ignition interlock service provider contract.

R17-5-621. Service Center Application

- A. On approval by the Director of an IISP's signed application for authorization to provide ignition interlock services, an IISP shall submit to the Department a properly completed service center application for approval of the IISP's service centers.
- B. An IISP shall provide the following information to the Department:
 1. The service center name;
 2. The business address of the established place of business of each service center or business location;
 3. The telephone number of each established place of business of each service center or business location;
 4. The service center's legal status as a sole proprietorship, partnership, limited liability company, or a corporation;
 5. The name of the sole proprietor, each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 6. The name and model number of each CIID the IISP plans to install;
 7. An indication of any service centers that will provide mobile services;



8. Any applicable business licenses and the governmental entity; and
9. The following statements signed by the IISP:
 - a. A statement that all information provided on the application, including all information provided on any attachment to the application is complete, true, and correct;
 - b. A statement that the IISP agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
 - c. A statement that the IISP agrees to comply with all requirements in these rules; and
 - d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.
- C. The Department shall process an IISP's service center application only if the IISP meets all applicable application requirements.
- D. The Department shall, within 10 days of receiving a service center application, provide notice to the IISP that the application is either complete or incomplete.
 1. The date of receipt is the date the Department receives the application.
 2. If an application is incomplete, the notice shall specifically identify the required information that is missing.
- E. An IISP with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department's notice.
 1. After receiving all of the required information, the Department shall notify the IISP that the application is complete.
 2. The Department may deny approval of a service center if the IISP fails to provide the required information within 15 days of the date on the notice.
- F. The Department shall render a decision on a service center application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (D) or (E).
- G. For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a service center:
 1. Administrative completeness review time frame: 10 days.
 2. Substantive review time frame: 30 days.
 3. Overall time frame: 40 days.
- H. If a service center is no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.
- I. An IISP shall be the authorized representative of a specific manufacturer while the authorization agreement is in effect, for a service center to install the manufacturer's CIID.
- J. If an IISP, subcontractor, or agent opens or relocates a service center, or the service center is operated by another entity, an IISP, subcontractor, or agent shall submit a new service center application for approval.
- K. An IISP shall use this process to reapply to the Department for a service center application.

R17-5-622. Technician Application

- A. On approval by the Department of an IISP's service center application, an IISP shall submit to the Department for approval, a properly completed technician application with the following information:
 1. Name of the technician;
 2. The technician's date of birth;
 3. The technician's residence address;
 4. The technician's driver license number;
 5. Name of the service center where the technician is employed;
 6. Location of the service center where the technician is employed; and
 7. The following statements signed by the technician and the IISP:
 - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form is complete, true, and correct;
 - b. A statement that the technician and the IISP agree to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
 - c. A statement that the technician agrees to comply with all requirements in these rules; and
 - d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.
- B. The Department shall process a technician's application only if a technician meets all applicable application requirements.
- C. The Department shall, within 10 days of receiving a technician application, provide notice to the applicant that the application is either complete or incomplete.
 1. The date of receipt is the date the Department receives the application.
 2. If an application is incomplete, the notice shall specifically identify the required information that is missing.
- D. An applicant with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department's notice.
 1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
 2. The Department may deny approval of a technician application if the applicant fails to provide the required information within 15 days of the date on the notice.
- E. The Department shall render a decision on a technician application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (C) or (D).
- F. For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a technician:
 1. Administrative completeness review time frame: 10 days.
 2. Substantive review time frame: 30 days.
 3. Overall time frame: 40 days.



- G. If an IISP and the IISP's technician are no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.
- H. An IISP shall be the authorized representative of a specific manufacturer that has an authorization agreement in effect for a technician to service the manufacturer's CIID.
- I. An IISP shall submit a separate technician application when an IISP hires a new technician.
- J. After the Department approves a technician, the Department will assign to each technician, a unique technician identification number to identify each technician who installs, calibrates, inspects, or removes a CIID.
- K. An IISP shall use this process to reapply to the Department for a technician application.

R17-5-623. Termination of Authorization; Notification

- A. If the Director terminates an IISP's authorization agreement, the Director shall notify each person with the manufacturer's CIID that the person has 30 days to obtain another IISP.
- B. Any IISP owner or principal whose agreement has been terminated as a result of the IISP's authorization being cancelled is not eligible to re-apply for authorization from the Department until 36 months after the date of termination.

ARTICLE 7. IGNITION INTERLOCK DEVICE INSTALLERS TECHNICIANS

R17-5-701. Definitions

In addition to the ~~The~~ definitions provided under A.R.S. §§ 28-101 and 28-1301, ~~and the definitions provided under R17-5-601~~ apply to this Article unless the context otherwise requires.

R17-5-702. Ignition Interlock Device Installer Certification; Application Requirements; Recertification Records Check; Technician Qualifications; IISP Self-Certification of Technician

- ~~A. A manufacturer's authorized installer shall be certified by the Department before installing a certified ignition interlock device, and shall be recertified annually by the Department to continue to install a certified ignition interlock device under Arizona law.~~
- ~~B. The Department may establish a system of staggered recertification for authorized installers throughout the twelve months of the year. If the Department approves an installer's certification or recertification, the certification or recertification shall extend for one year from the date of Department approval. A manufacturer's authorized installer shall submit to the Department the information required in subsection (D) on an annual basis for recertification. The Department may accept documents submitted with the initial application for certification, subject to Department approval.~~
- ~~C. A manufacturer's authorized installer shall obtain from the manufacturer, as provided under R17-5-609, all necessary training and skills required to install, troubleshoot, examine, and verify proper operation of the manufacturer's certified ignition interlock device.~~
- ~~D. A manufacturer's authorized installer shall submit to the Department a properly completed application for installer certification or recertification. The application for installer certification or recertification shall provide:

 - 1. The authorized installer's name;
 - 2. The authorized installer's business address and telephone number;
 - 3. The authorized installer's status as a sole proprietorship, partnership, limited liability company, or corporation;
 - 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 - 5. The name and model number of each certified ignition interlock device the authorized installer intends to install; and
 - 6. The following statements, signed by the authorized installer and acknowledged by a notary public or Department agent:
 - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
 - b. A statement that the authorized installer agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
 - c. A statement that the authorized installer agrees to comply with all requirements under this Article; and
 - d. A statement that the authorized installer agrees to immediately notify the Department of any change to the information provided on the application form.~~
- ~~E. The Department shall process an application for installer certification or recertification as provided under R17-5-605.~~
- ~~F. Department certification issued to an authorized installer under this Article shall not expire as long as the installer remains authorized by a manufacturer to install its certified ignition interlock device model under Arizona law and the installer completes all requirements for annual recertification in the time period prescribed in this Section.

 - 1. If a Department certified installer is no longer authorized by a manufacturer to install its certified ignition interlock device, the manufacturer shall notify the Department within 24 hours that an installer is no longer authorized by the manufacturer.
 - 2. If the installer again becomes authorized by a manufacturer to install its certified ignition interlock device, the installer may reapply to the Department for certification under this Article by submitting a new application.~~
- ~~G. A Department certified ignition interlock device installer shall notify the Department within 24 hours of making a decision to relocate a fixed site service center.~~
- ~~H. A Department certified installer shall train and certify each of its service representatives on the proper installation of a certified ignition interlock device before allowing the service representative to install the certified ignition interlock device.~~
- ~~I. A Department certified ignition interlock device installer shall provide to the Department a current list of the names of each of its certified service representatives on a quarterly basis. The installer shall electronically notify the Department within 24 hours after making a change to its list.~~
- A. If the Director enters into an IISP's ignition interlock authorization agreement under A.R.S. § 28-1468, an IISP shall conduct an annual criminal records check and a certified driver's license record check on all employees, agents, or subcontractors listed on the IISP's application within 30 days prior to each individual's start date.
- B. An IISP shall self-certify and train a technician in the service area that the technician will provide.
- C. The qualifications for a technician are:

 - 1. A technician shall be at least 18 years of age.



2. A technician who is required to drive a motor vehicle on a highway in this state in the technician's capacity shall have a valid Arizona driver license as required by A.R.S. § 28-3151, unless exempted under A.R.S. § 28-3152.
3. A technician shall have the necessary mechanical ability, training, and certification from the IISP required to perform installation, inspection, service, calibration, or removal of a CIID from a motor vehicle.
- D. A technician shall:**
 1. Maintain the confidentiality of any personal information, driver license information, or ignition interlock data or reports relating to a person;
 2. Ensure that a person does not observe the technician's actions relating to installation and removal of a CIID;
 3. Comply with the ignition interlock rules in 17 A.A.C. 5, Articles 6 and 7, and Arizona Revised Statutes Title 28, Chapter 4, Article 5; and
 4. Conduct installation, service, calibration, inspection, or removal of an ignition interlock device from a motor vehicle in accordance with industry standards.
- E. A technician is prohibited from using the global positioning system capabilities of a CIID to track the location of a person and shall not release location information gathered by the CIID.**

R17-5-703. Ignition Interlock Device Installer Bond Requirements; Recertification Repealed

- A.** Before installing, servicing, or removing a certified ignition interlock device, an installer shall:
1. Be appointed by a manufacturer as an authorized installer of its certified ignition interlock device;
 2. Obtain an ignition interlock installer bond from a surety company authorized by the Arizona Department of Insurance to conduct general surety business in Arizona. The ignition interlock installer bond shall be:
 - a. In the amount of \$25,000;
 - b. On the approved form provided by the Department; and
 - c. Maintained for as long as the installer intends to install, service, or remove Department-certified ignition interlock devices under Arizona law;
 3. Submit the original-completed ignition interlock installer bond to the Arizona Department of Transportation, Motor Vehicle Division, Ignition Interlock Program, 1801 W. Jefferson St. MD530M, Phoenix, AZ 85007; and
 4. Receive Department certification or recertification under R17-5-702.
- B.** An installer authorized by a manufacturer and certified or recertified by the Department to install, service, or remove more than one certified ignition interlock device model needs only one bond, which shall extend as long as the installer is certified or recertified.

R17-5-704. Authorized Installer Responsibilities Repealed

- A.** An authorized installer certified by the Department to install a certified ignition interlock device shall:
1. Follow the installation and operating procedures established and provided by the manufacturer;
 2. Acquire and maintain all necessary training and skills specified by the manufacturer for installing, troubleshooting, examining, and verifying the proper operation of its certified ignition interlock device;
 3. Comply with all of the manufacturer's procedures for removing the certified ignition interlock device from a vehicle;
 4. Electronically notify the Department within 24 hours after removing a certified ignition interlock device under R17-5-610;
 5. Provide to the manufacturer, or to the Department if delegated by the manufacturer, an accurate electronic reporting of all applicable information required of the manufacturer under R17-5-610 and R17-5-612;
 6. Provide to every participant, and make available for every person operating a motor vehicle equipped with the certified ignition interlock device, a copy of the manufacturer's written instructions for the following:
 - a. Operating a motor vehicle equipped with the certified ignition interlock device;
 - b. Cleaning and caring for the certified ignition interlock device; and
 - c. Identifying and addressing vehicle malfunctions or repairs that may affect the certified ignition interlock device;
 7. Ensure that each participant receives an operator's manual and is further instructed regarding all of the following:
 - a. How to use the system;
 - b. How to obtain service for the system;
 - c. How to find answers to any additional questions;
 - d. How the alcohol retest feature works;
 - e. How drinking alcohol before a test may result in a reading of sensitive or fail;
 - f. How the device shall not be removed, except by an installer-certified service representative;
 - g. How missing an appointment for a regularly scheduled accuracy check will cause the certified ignition interlock device to enter into a lock-out condition that will emit a unique cue, either auditory, visual, or both, to warn the driver that after 72 hours the vehicle will not start. It shall be the responsibility of each participant to have the car towed to the service center if a lock-out condition occurs;
 - h. How noncompliance with a regularly scheduled accuracy check shall result in suspension under A.R.S. § 28-1463 of the participant's driver license until proof of compliance is submitted to the Department under A.R.S. § 28-1461; and the duration of the participant's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
 - i. What the penalties are for tampering with or misusing the system;
 - j. What will happen after failing a start-up breath alcohol test;
 - k. What will happen after a participant has a set of four valid and substantiated missed rolling retests during the participant's ignition interlock period; and that a participant shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition; and
 - l. What events or actions will result in a lock-out of the certified ignition interlock device.
 8. Ensure that each participant demonstrates:
 - a. A properly delivered alveolar breath sample; and
 - b. An understanding of how the abort test feature works.



9. Affix conspicuously, the warning label provided by the manufacturer under R17-5-609.
 10. Check each device for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each participant's regularly scheduled accuracy and compliance check required under R17-5-610.
 11. Notify the Department electronically under R17-5-610 if any evidence of tampering is discovered and submit valid and substantiated proof or evidence of a reportable activity.
- B.** An installer shall not permit a service representative whose driving privilege is limited pursuant to A.R.S. §§ 28-1381, 28-1382, 28-1383, or 28-3319, or restricted under A.R.S. § 28-1402 to install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a certified ignition interlock device until the restrictive period of the service representative's driving privilege ends. An installer whose driving privilege is limited pursuant to A.R.S. §§ 28-1381, 28-1382, 28-1383, or 28-3319, or restricted under A.R.S. § 28-1402 shall not install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a certified ignition interlock device until the restrictive period of the installer's driving privilege ends.

R17-5-705. Installer-certified Service Representatives Repealed**A.** Certification requirements.

1. To achieve certification as a service representative, an individual shall obtain written documentation from a Department-certified ignition interlock device installer documenting that the individual is currently trained in each aspect involved with the specific certified ignition interlock device for which the individual seeks certification to install or service.
2. An installer shall not certify as a service representative, any individual with a felony conviction in the five years preceding the individual's request for certification. In this Section, conviction means that a court of competent jurisdiction adjudicated the individual guilty.

B. Proficiency requirements.

1. It is the responsibility of the installer to ensure that its certified service representatives maintain proficiency in each aspect involved with each specific certified ignition interlock device model the individual is certified to install or service.
2. The Department may at any time require an installer-certified service representative to demonstrate competency in the installation, inspection, downloading, calibrating, repairing, monitoring, maintaining, servicing or removal of a specific certified ignition interlock device. Failure of the installer-certified service representative to demonstrate proficiency to the Department may result in corrective action against the installer as provided under R17-5-601.

R17-5-706. Accuracy and Compliance Calibration Check; Requirements

A. An installer-certified service representative An IISP-certified technician shall inspect, maintain, and check each certified ignition interlock device CIID for calibration accuracy and operational performance before the device is placed into, or returned to service.

B. A person with a CIID installed on a motor vehicle is responsible for obtaining a calibration check of the CIID by the IISP's technician at the IISP's service center within every 77 to 90-day period after device installation, and every 77 to 90 days thereafter, during the person's ignition interlock period.

B.C. The installer-certified service representative An IISP-certified technician shall perform each a accuracy and compliance calibration check at the IISP's service center at least once every 90 days after device installation, and at least every 90 days thereafter in accordance with NHTSA specifications as referenced in R17-5-604(C) at a service center authorized by an installer certified by the Department under R17-5-702.

C.D. The accuracy and compliance calibration check performed under R17-5-610 shall include an inspection of the device to verify that it is properly functioning in accordance with all of the following criteria:

1. Accuracy standards as prescribed under R17-5-603;
 - a. The device shall be calibrated before placed into, or returned to service.
 - b. The calibration test shall consist of introducing to the device a known alcohol concentration from a reference sample device, the analysis of which indicates the device's agreement with the known concentration. The ~~installer's manufacturer's~~ software shall be capable of performing, documenting, and reporting the result of this calibration test. The calibration test result shall verify the accuracy of the ignition interlock device according to the standards prescribed under R17-5-603; and
2. Anticircumvention standards and operational features as prescribed under R17-5-603.

D.E. The calibration test referenced under subsection (C) subsection (D) shall be performed when the information uploaded from a device indicates that the device has experienced an interruption in service or was completely disconnected. Additionally, the complete device, including the camera and its connection to the vehicle, shall be examined for evidence of tampering while it is still attached to the vehicle. An IISP shall document or photograph any evidence of tampering or circumvention and submit the documentation to the Department as required by these rules and A.R.S. Title 28, Chapter 4, Article 5.

E.F. If calibration confirmation test results reveal that the device is not properly calibrated, the device shall be recalibrated to restore the accuracy standards prescribed under R17-5-603 before the device is returned to service.

F.G. At least once every 90 days, an installer-certified service representative a technician shall perform a physical inspection of the ignition interlock device, including an anticircumvention check, while it is still attached to the vehicle.

G.H. An installer-certified service representative A technician shall perform a physical inspection of the ignition interlock device at other times when the data logger indicates that tampering has occurred and shall maintain a log showing the findings any time an early recall occurs.

H.I. If at any time an individual device model fails to meet the provisions of this Section, the manufacturer, installer, service center, or installer-certified service representative IISP, or IISP-certified technician, as appropriate, shall either:

1. Repair, recalibrate, and retest the device model to ensure that it does meet all applicable standards; or
2. Remove the device model from service.

**R17-5-707. Inspection of Service Centers; Application Repealed**

- ~~A.~~ A service center, whether located on a fixed site or mobile, shall meet the requirements necessary to maintain installer certification under this Article before it is used by an installer to conduct certified ignition interlock device related business in this state.
- ~~B.~~ An installer shall submit to the Department a separate application for each individual service center the installer intends to use for conducting certified ignition interlock device related business in this state.
- ~~C.~~ On an application for a service center, available from the Department, an installer shall identify:
 - ~~1.~~ The physical location of the service center;
 - ~~2.~~ The certified ignition interlock device, or devices, to be merchandised and serviced at the location; and
 - ~~3.~~ The reference sample device, or devices, that will be used at the location.
- ~~D.~~ An installer shall attach to the application submitted to the Department under subsection (B), a statement from the manufacturer acknowledging that the installer is authorized to install the certified ignition interlock device, or devices, described on the application.
- ~~E.~~ The Department may request an installer applying to meet the requirements for a service center to consent to allow the Department access to the service center for inspection under subsection (H).
- ~~F.~~ An installer applying for a service center shall agree to comply with all provisions under this Article and A.R.S. Title 28, Chapter 4, Article 5.
- ~~G.~~ To operate a service center, the installer's ignition interlock device testing facilities, equipment, and the procedures used in the service center shall meet the following conditions:
 - ~~1.~~ A fixed site service center shall be located in a facility that accommodates installing, inspecting, downloading, calibrating, repairing, monitoring, maintaining, servicing, and removing a specific ignition interlock device consistent with the requirements of this Article. The installer shall:
 - ~~a.~~ Provide a designated waiting area for the participant that is separate from the installation area; and
 - ~~b.~~ Ensure that no participant witnesses installation of the certified ignition interlock device.
 - ~~2.~~ A mobile service center shall be equipped with the same materials and capacities prescribed under subsection (G)(1). An installer or service representative operating a mobile service center shall:
 - ~~a.~~ Provide a designated waiting area for the participant that is separate from the area used for the installation area; and
 - ~~b.~~ Ensure that no participant witnesses installation of the certified ignition interlock device.
 - ~~3.~~ The installer, whether operating a fixed site service center, or mobile, shall ensure that its certified service representatives utilize all of the following:
 - ~~a.~~ The analysis of a reference sample such as headspace gas from a mixture of water and alcohol, the results of which shall agree with the reference sample predicted value, or other methodologies approved by the Department. The preparatory documentation on the reference sample solution, such as a certificate of analysis, shall be made available to the Department on request.
 - ~~b.~~ The startup set point value established under R17-5-603(A). All analytical results shall be expressed in grams of alcohol per 210 liters of breath (g/210L).
 - ~~c.~~ The most current versions of manufacturer software and firmware to ensure continuous compliance under this Article and A.R.S. Title 28, Chapter 4, Article 5.
 - ~~4.~~ Only a properly trained installer-certified service representative shall perform certified ignition interlock device related services rendered through a service center.
 - ~~a.~~ The installer shall maintain sufficient staff at each service center to ensure an acceptable level of service. The service center shall always be staffed with at least one installer-certified service representative.
 - ~~b.~~ The installer shall schedule accuracy and compliance checks at each service center in a manner that will not deprive a participant of an acceptable level of service.
 - ~~c.~~ The installer's software shall document the certified service representative performing each accuracy and compliance check and shall record the date each service is performed.
 - ~~d.~~ Department-certified installers may train potential-certified service representatives in the service center only under the direct supervision of a currently-certified service representative.
 - ~~5.~~ The installer shall agree to:
 - ~~a.~~ Submit a violation as defined in R17-5-601 regarding a participant's noncompliance to the Department by providing valid and substantiated proof or evidence of a reportable activity as required in R17-5-610(D) no later than 24 hours after the installer discovers the violation;
 - ~~b.~~ Maintain complete records in an electronic or paper format of each device installation for three years from the date of its removal;
 - ~~c.~~ Require each applicant seeking installer certification as a service representative to certify that the applicant has not been convicted of a felony within the five years preceding the date of application;
 - ~~d.~~ Retain the five year felony certification required of each installer-certified service representative under subsection (G)(5)(c) for five years after the date of the employee's separation from employment; and
 - ~~e.~~ Make available to the Department on request, either by inspection or in hard copy form, all records relating to the installer's ignition interlock device operations.
 - ~~6.~~ The installer shall ensure that all anticircumvention features are activated on each installed certified ignition interlock device.
 - ~~7.~~ The installer shall install and inspect each certified ignition interlock device as provided under this Article.
 - ~~a.~~ Each time an installer uploads the information from a participant's certified ignition interlock device, the installer-certified service representative shall perform a visual inspection of the vehicle, the device, and the device's wiring to ensure that no tampering has occurred during the monitoring period.
 - ~~b.~~ The calibration test referenced under R17-5-706 shall be performed if the downloaded device information indicates that the device has experienced an interruption in service or was completely disconnected.



8. The installer shall agree to abide by conditions for the removal of a certified ignition interlock device, including but not limited to the following:
 - a. Provide electronic notification to the Department of device removal under R17-5-610(E) within 24 hours and electronically submit the required reporting record.
 - b. A service representative or service center shall not remove the certified ignition interlock device of another manufacturer, except in an emergency, or other special circumstance authorized by the Department. All removals shall be documented and reported to the Department. All device removal records shall be retained as prescribed under R17-5-612.
 - c. When a participant makes a request to exchange one manufacturer's device for the device of another manufacturer, the installer of the original device shall notify the Department of the device removal under R17-5-610(E).
- H. The Department may cancel the certification of an installer, prohibiting operation of its service center if the installer or service center is not complying with any provision under this Article, engaging in improper reporting as defined in R17-5-601, not complying with reporting provisions in R17-5-610, or not complying with A.R.S. Title 28, Chapter 4, Article 5. To ensure continuous compliance with the Department's certified ignition interlock program requirements, the Department may inspect an installer's service center and take corrective action against the installer as provided under R17-5-601 if a deficiency is identified during an inspection conducted under R17-5-613.
- I. An installer shall designate a custodian of records who shall, if required in an administrative hearing or court proceeding, provide testimony concerning the interpretation of data storage system records and answer questions concerning the installer's certification and compliance with the Department's ignition interlock program requirements.
- J. Before issuing certification, the Department may perform an onsite inspection of a service center to verify compliance with this Article.
- K. After verifying compliance with subsections (A) through (G), the Department shall provide evidence of approval to the installer that shall remain valid until cancelled by the Department or terminated by the installer or service center. Evidence of approval provided to an installer or service center under this Section demonstrates that the installer's service center has met all of the criteria necessary for approval by the Department.
- L. Approval of the installer's service center is contingent on the installer's agreement to conform with and abide by all directives, orders, and policies issued by the Department regarding any service center activities regulated by the Department under this Article and A.R.S. Title 28, Chapter 4, Article 5, which may include:
 1. Program administration;
 2. Reports;
 3. Records and forms;
 4. Inspections;
 5. Methods of operations and testing protocol;
 6. Personnel training and qualifications;
 7. Criminal history considerations for installer-certified service representatives; and
 8. Records custodian.
- M. Certification of an installer issued under this Article may be cancelled by the Department if the installer's service center, or installer-certified service representative is not in compliance with a provision of this Article, provisions regarding reporting in R17-5-610 and R17-5-601, or A.R.S. Title 28, Chapter 4, Article 5, or the certified ignition interlock device equipment it is authorized by the manufacturer to install no longer meets the requirements provided under Article 6 of this Chapter.

R17-5-708. Notice; Denial or Cancellation of Certification; Appeal; Hearing Repealed

- A. If the Department determines that an authorized reporting installer fails to properly report ignition interlock information and data to the Department in the manner prescribed in these rules, the Department may immediately provide written notice to the authorized reporting installer with the following information:
 1. The name of the participant and the date of the improper reporting; and
 2. The authorized reporting installer shall send the required record or report to the Department within ten business days, if applicable.
- B. If the authorized reporting installer fails to remedy the issues identified in the notice provided under R17-5-708(A) within ten business days, the Department may cancel the authorized reporting installer's certification.
- C. If the Department denies a pending application for certification or recertification of an installer, or cancels a certification previously issued to an installer, the installer may appeal the action as follows:
 1. Within 15 days after receipt of a notice of denial of application or a notice of cancellation of certification or a notice of denial of recertification of an installer, the installer may file a written request for a hearing on the issue of the denial or cancellation with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
 2. If a hearing on the issue of the denial or cancellation is timely requested, the Department's Executive Hearing Office shall conduct the hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The request for a hearing stays the summary cancellation of an installer's certified activities.
 3. Within 10 days after a hearing, the hearing officer shall issue to the installer a written decision, which shall:
 - a. Provide findings of fact and conclusions of law; and
 - b. Grant the application, deny the application, deny recertification, or cancel the certification.
 4. If the hearing officer affirms the denial of application or recertification or cancellation of certification, the installer may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6, within 35 days of the date when a copy of the decision sought to be reviewed is served upon the party affected unless the court grants a stay pending the outcome of judicial review.
- D. If an installer's certification is cancelled or denied, or recertification is denied, the installer is prohibited from performing its duties and operating under these rules for a period of one year from the latest of the following dates when:
 1. The Department denies an application or recertification, or cancels a certification of an installer; or
 2. The Department's Executive Hearing Office denies the application or recertification, or cancels a certification of an installer.



- ~~E. After the one-year decertification period ends, an installer may reapply to the Department for certification by completing a new application and meeting all certification requirements under this Article.~~

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF ACCOUNTANCY**

[R18-120]

1. **Title and its heading:**
Chapter and its heading:
Article and its heading:

4, Professions and Occupations
1, Board of Accountancy
2, CPA Examination
3, Certification and Registration
4, Regulation
R4-1-226.01, R4-1-343, R4-1-453

Section numbers:

2. **The subject matter of the proposed rule:**

R4-1-226.01 and R4-1-343. The application and examination rule, R4-1-226.01, and education and accounting experience rule, R4-1-343, are amended to reduce fraud and ensure a consistent comparative analysis by requiring that course-by-course evaluations be done by the National Association of State Boards of Accountancy International Evaluation Services (NIES) rather than from a service that is a member of either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE). NIES evaluates international education for the sole purpose of the CPA examination and CPA certification in the United States. When originally drafted, the Board’s rules assumed that it would primarily need to evaluate certificate applicants from the U.S. who completed education outside of the United States. Based on this assumption, the need to evaluate a foreign academic transcript was expected to only be an occasional endeavor. However, with the international offering of the Exam, the Board has experienced a nearly 60% increase in the receipt and processing of initial exam applications between 2014 and 2017. It is believed that the 38 NACES and AICE member evaluators do not provide the same rigor in their evaluation of transcripts, including protection from fraud and abuse in the Exam application process, as is offered through NIES. NIES’ mission in upholding the integrity of the U.S. CPA credential through expert evaluation of international coursework and stringent authentication of education will eradicate waste and inefficiency by reducing the number of applications received, as NIES will be able to provide a level of rigor in evaluation that has not been observed in other foreign transcript evaluators.

R4-1-226.01 is additionally amended to permit the Board to request additional information or documents to assist in the determination of compliance with eligibility requirements.

R4-1-453. This rule is amended to reduce a regulatory burden by only requiring 80 hours of continuing professional education (CPE) to be reported rather than the total CPE hours completed for the registration period. Modifications are also made to CPE record retention requirements by requiring that registrants maintain CPE records for three years for all CPE completed for the registration period, even if not reported on the registration. This language is essential to protect the registrant and allow them to offer evidence of additional CPE taken during the renewal period if, through the review of CPE, it is determined that the registrant is short CPE.

This rule is also amended to allow a registrant who is certified as a CPA in another jurisdiction from having to meet the individual CPE requirements of Arizona, so long as the registrant meets the CPE requirement of his or her home jurisdiction. This change ensures that CPAs continue to meet CPE requirements while also reducing the burden of meeting Arizona-specific CPE requirements.

Lastly, the rule is amended to allow for a new delivery method of CPE instruction called “nano-learning”, which is a tutorial program designed to permit a participant to conveniently learn a given subject in a 10-minute time frame. Registrants would be allowed to report a maximum of four hours of nano-learning in total. This change and other clarifying changes provide registrants greater flexibility in meeting CPE requirements.

Technical and conforming changes are also made to the rules.

3. **A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 24 A.A.R. 1707, June 22, 2018 (*in this issue*)

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Monica L. Petersen, Executive Director
Address: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007



Telephone: (602) 364-0870
Fax: (602) 364-0903
E-mail: mpetersen@azaccountancy.gov
Website: www.azaccountancy.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

An oral proceeding regarding the proposed rules will be held as follows:

Date: July 30, 2018
Time: 9:00 a.m.
Location: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007

The rulemaking record will close on Monday, July 30, 2018 at 5:00 p.m.

6. A timetable for agency decisions or other action on the proceeding, if known:

A timetable is not known at this time.

**NOTICE OF RULEMAKING DOCKET OPENING
STATE BOARD OF OPTOMETRY**

[R18-108]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 21, Board of Optometry
Article and its heading: 1, General Provisions
2, Licensing Provisions
Section numbers: R4-21-101, R4-21-209, R4-21-210, R4-21-211 (*Articles and Sections may be added, modified, or deleted as necessary.*)
- 2. The subject matter of the proposed rule:**
The proposed rules address changes resulting from Laws 2018, Chapter 1. This rulemaking will add or update language and terminology used in the rules to improve consistency and clarity as well as conform to statutes amended in the 2018 legislative session (53rd Legislature, 1st Special Session) and 2018 legislative session (53rd Legislature, 1st and 2nd Regular Session). Anticipated changes include:
- A. Adding new or amending existing definitions for further clarification.
 - B. Adding a course of study requirement by adding a new section for study of at least three hours of Continuing Education ("CE") to be obtained in the area of opioid-related substance use, disorder-related or addiction-related CE each renewal cycle through a recognized or approved course(s).
 - C. Amending section R4-21-211 to remove the random sample and notice of audit as the Board audits 100% of CE since the last rules change in 2016 and add an additional resource to tracking CE requirements.
 - D. Minor technical and conforming corrections as needed; no substantive changes.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Margaret Whelan
Address: Board of Optometry
1740 W. Adams St., Suite 3003
Phoenix, AZ 85007
Telephone: (602) 542-8155
Fax: (602) 882-7253
E-mail: margaret.whelan@optometry.az.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Board of Optometry
1740 W. Adams St., Suite 3003
Phoenix, AZ 85007
Oral comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
State Board of Optometry
1740 W. Adams St., Suite 3003
Phoenix, AZ 85007
Telephone: (602) 542-8155

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

[R18-109]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 7, Standards for Payment
Section numbers: R9-22-712.35, R9-22-712.61, R9-22-712.71 (As part of this rulemaking, the Administration may add, delete, or modify sections as necessary.)
- 2. The subject matter of the proposed rule:**

AHCCCS Differential Adjusted Payment (DAP) initiatives are strategically designed to reward quality outcomes and reduce growth in the cost of health care. The objective of DAP delineated in this proposed rulemaking is to reward hospital providers that have taken designated actions to improve patients' care experience, improve members' health, and reduce the growth of the cost of care. Hospitals which satisfy the requirements delineated in rule will receive increased payments from the AHCCCS Administration and Contractors for inpatient and outpatient services. The proposed DAP rules represent the AHCCCS Administration's expanding efforts to enhance accountability of the health care delivery system. The proposed rulemaking will amend and clarify rules specifying requirements for receipt of DAP for qualifying hospitals for both inpatient and outpatient services for the time period of October 1, 2018 through September 30, 2019. The proposed rulemaking will authorize AHCCCS to continue rewarding innovative activities and broaden the reach of the present model, emphasizing improved patient care and reduced growth in the cost of care.
- 3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 24 A.A.R. 1712, June 22, 2018 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Nicole Fries
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

[R18-110]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 13, Children's Rehabilitative Services (CRS)
Section numbers: R9-22-1302, R9-22-1303, R9-22-1305, R9-22-1306 (As part of this rulemaking, the Administration may add, delete, or modify sections as necessary.)
- 2. The subject matter of the proposed rule:**

Through this rulemaking, the Agency proposes three major types of changes to these rules. This rulemaking will remove existing references to a singular CRS contractor and replace them with references to plural contractors, as well as remove references to the CRS program and replace them with references to CRS services. These changes are necessary since all MCO's will be responsible for supplying these services as of October 1, 2018. Finally, R9-22-1306 will be repealed because there will no longer be a transition out of the CRS program since services to treat members with CRS conditions will be provided through all MCO's rather than through a single CRS Contractor for the State. In addition, to clarify the scope of services available to members, MCO's are



required to provide all services to eligible members, including children's rehabilitative services and behavioral health services when medically necessary.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 24 A.A.R. 1716, June 22, 2018 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Nicole Fries
 Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4232
 Fax: (602) 253-9115
 E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
 ADMINISTRATION**

[R18-111]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 21, Trauma and Emergency Services Fund
Section numbers: R9-22-2101 (*As part of this rulemaking, the Administration may add, delete, or modify sections as necessary.*)

2. The subject matter of the proposed rule:

The proposed rulemaking will clarify that a "level I trauma center" refers to any acute care hospital designated by the Arizona Department of Health Services (ADHS) as a level I trauma center, a provisional level I trauma center, or an initial level I trauma center. Hospitals designated by ADHS as a "provisional level I trauma center" or "initial level I trauma center" are operating as level I trauma center in every way, except verification by the American College of Surgeons which takes 12-18 months to achieve. The amended rule will eliminate the ambiguity of this definition and will allow provisional and initial level I trauma centers to receive money from the Proposition 202 Trauma Fund for unrecovered trauma center readiness costs. It will also allow provisional and initial level I trauma centers to receive a larger payment through the Outpatient Capped Fee Schedule pursuant to A.A.C. R9-22-712.35(C) which uses the same definition for level I trauma center.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 24 A.A.R. 1722, June 22, 2018 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Nicole Fries
 Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4232
 Fax: (602) 253-9115
 E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.



NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY

[M18-52]

1. **Title and its heading:** Title 49. The Environment
Chapter and its heading: Chapter 2. Water Quality Control
Article and its heading: Article 2.1. Total Maximum Daily Loads
Section: A.R.S. § 49-232. Lists of Impaired Waters; data requirements; rules
2. **The public information relating to the listed statute**

Arizona Revised Statute (A.R.S.) 49-232(A) requires the Arizona Department of Environmental Quality (ADEQ) to prepare a list of impaired waters at least once every five years to comply with Section 303(d) of the Clean Water Act [33 U.S.C. 1313(d)]. ADEQ provides public notice and allows for comment on the draft 303(d) List of impaired waters prior to its submission to the United States Environmental Protection Agency (EPA). ADEQ published a draft 303(d) List in a document entitled *Proposed 2018 303(d) Impaired Water's List* (hereafter referred to as the "303(d) List") and provided an opportunity for public comment on the Integrated Report from April 12, 2018 to May 12, 2018. ADEQ prepares written responses to public comments received on the draft 303(d) List of impaired waters and publishes a summary of ADEQ's responses to comments in the *Arizona Administrative Register* at least 45 days before submitting the list to EPA for their approval.
3. **Procedures for challenging an impaired water listing**

The publication of the 303(d) List of impaired waters in the *Arizona Administrative Register* is an appealable agency action. Any party that submitted written comments on ADEQ's draft 2018 303(d) List may challenge a listing of an impaired water by submitting a notice of appeal to the Department in accordance with A.R.S. 41-1092.03. A notice of appeal challenging a listing must be submitted within 45 days of the date of publication of this notice of public information in the *Arizona Administrative Register*. The submission of a timely notice of appeal "stays" ADEQ's initial submission of a challenged listing to EPA. ADEQ may subsequently submit a challenged listing to EPA if the challenged listing is upheld in a final administrative decision by the Director under A.R.S. 41-1092.08 or if the person who challenges a listing withdraws the appeal prior to a final administrative decision by the Director.
4. **305(b) and 303(d) of the Clean Water Act**

Section 305(b) of the Clean Water Act requires each state to prepare and submit to EPA a biennial report describing the water quality of all surface waters in the state. Each state must monitor water quality and review available data and information from various sources to determine if surface water quality standards are being met. From this 305(b) water quality assessment report and other sources of information, ADEQ creates the 303(d) List. The 303(d) List identifies Arizona surface waters that do not meet water quality standards. These waters are known as "water quality limited segments" or "impaired waters." Identifying a surface water as impaired may be based on an evaluation of physical, chemical, or biological data demonstrating evidence of a numeric standard exceedance, a narrative standard exceedance, designated use impairment, or a declining trend in water quality, such that the surface water would exceed a water quality standard before the next listing period.

The 2018 Impaired Waters List or 303(d) List provides a list of Arizona lakes and streams that do not meet water quality standards and includes waters that were listed in the 2016 Impaired Waters List minus waters that can be delisted. The 2018 Impaired Waters List does not include new impairments. A full assessment of Arizona's lakes and streams including identifying new impairments will be completed as part of the 2020 assessment after the completion of an assessment calculator. The new assessment calculator will speed up the comparison of water quality data to standards and will provide detailed information about what additional information is needed to make impairment and attainment decisions for Arizona's lakes and streams.

Section 303(d) of the Clean Water Act requires each state to prepare several lists of surface water segments not meeting surface water quality standards, including those not expected to meet state surface water quality standards after implementation of technology-based controls. The draft 303(d) List is revised based on public input and finalized for submission to EPA. Arizona, like most states, prepares one list containing all of the waters meeting the criteria in section 303(d). At a minimum, ADEQ must consider the following sources of data:

 - Surface waters identified in the Section 305(b) Report, including Section 314 lakes assessment that do not meet water quality standards;
 - Surface waters for which dilution calculations or predictive models indicate nonattainment of water quality standards;



- Surface waters for which problems have been reported by other agencies, institutions, and the public;
- Surface waters identified as impaired or threatened in the state's non-point assessments submitted to EPA under Section 319 of the Clean Water Act;
- Fish consumption advisories and restrictions on water sports and recreational contact;
- Reports of fish kills or abnormalities (cancers, lesions, tumors);
- Water quality management plans;
- The Safe Drinking Water Act 1453 source water assessments; and
- Superfund and Resource Conservation and Recovery Act (RCRA) reports and the Toxic Release Inventory.

ADEQ's 303(d) List and supporting documentation are submitted to EPA for review. The ADEQ submission to EPA will contain the 303(d) List, including the pollutants or suspected pollutants impairing water quality; the surface waters targeted for Total Maximum Daily Load (TMDL) development; a priority ranking and schedule for TMDL development; a description of the process used to develop the 303(d) List; the basis for listing decisions, including reasons for not including a surface water or segment on the list; and a summary of ADEQ responses to public comments received on the draft list. 40 CFR 130.7(b)(6)(iv) requires a state to demonstrate "good cause" for not listing a surface water where there are exceedances of water quality standards and places the burden of proof on the state to justify excluding a surface water from the list. "Good cause" factors include more recent or accurate data, flaws in the original analysis, more sophisticated water quality modeling, or changes in the conditions that demonstrate that the surface water is no longer impaired.

The 303(d) List was due to be submitted to the U.S. Environmental Protection Agency on or before April 1, 2018. State law requires that the initial 303(d) List be published in the *Arizona Administrative Register* at least 45 days before the list is submitted to the Regional Administrator. The list of impaired waters that ADEQ plans to submit to EPA is contained in the table titled "Arizona's 2018 303(d) List of Impaired Waters" published in Section 7 of this notice.

EPA has added impaired waters to Arizona's 303(d) List in previous assessment cycles. These EPA listings do not meet the requirements of A.R.S. 49-232 or impaired water identification criteria established in ADEQ's Impaired Water Identification Rules (A.A.C. R18-11-601 through R18-11-606) but do meet federal requirements.

5. Arizona laws governing ADEQ identification of impaired waters and preparation of the 303(d) List

The Arizona Legislature enacted laws governing ADEQ's development of the 303(d) List in 2000. A.R.S. 49-232(B) requires that ADEQ consider only "reasonably current, credible and scientifically defensible" data that the ADEQ has collected or received from another source in determining whether a water body is an impaired water. The results of water sampling or other assessments of water quality are considered credible and scientifically defensible data only if ADEQ has determined:

1. Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing the data;
2. The samples or analyses are representative of water quality conditions at the time the data was collected;
3. The data consists of an adequate number of samples based on the water body in question and the parameters being analyzed; and
4. The method of sampling and analysis, including analytical, statistical and modeling methods, is generally accepted and validated in the scientific community as appropriate for use in assessing the condition of the water.

ADEQ considered reasonable current, credible and scientifically defensible data in preparing 2018 draft 303(d) List. In 2002 ADEQ adopted, by rule, the methodology used in identifying waters as impaired. These rules specify the following:

1. Minimum data requirements and quality assurance and quality control requirements consistent with the requirements of A.R.S. 49-232(B)(1-4).
2. Appropriate sampling, analytical and scientific techniques that may be used in assessing whether a water is impaired.
3. Any statistical or modeling techniques that ADEQ uses to assess or interpret data.
4. Criteria for including and removing waters from the list of impaired waters, including any implementation procedures used for identifying impaired waters on the basis of exceedances of narrative water quality standards.

ADEQ prepared the 2018 303(d) List in accordance with its Impaired Water Identification Rule (IWIR) that ADEQ adopted in 2002 [See A.A.C. R18-11-601 through R18-11-606].

Under A.R.S. 49-232(D), ADEQ must consider available data in light of the nature of each water body being assessed (including whether a water body is an ephemeral water) when determining whether to include a water body on the 303(d) List of impaired waters.

ADEQ is prohibited by A.R.S. § 49-232(F) from listing a water body as impaired based on a violation of a narrative or biological water quality standard prior to adopting implementation procedures identifying the objective bases for determining that a violation of the standard exists. None of the waters identified by ADEQ on the 2018 303(d) List are listed because of violations of narrative or biological water quality standards.

6. ADEQ response to comments on draft 303(d) List

Arizona's *Draft* 2018 303(d) List was made available for public review and comment from April 12, 2018 to May 12, 2018. No public comments were received by ADEQ.

7. Arizona's 2018 303(d) List of Impaired Waters

This list contains assessment units that were assessed as impaired (Category 5) by ADEQ or EPA during the current and previous



assessment listing cycles. The year each parameter was listed is located in parentheses after each parameter.

ASSESSMENT UNIT	SIZE (ACRES/MILES)	CAUSE(S) OF IMPAIRMENT (YEAR FIRST LISTED)
Bill Williams Watershed		
Alamo Lake 15030204-0040	1414 a	Ammonia (2004), mercury in fish tissue (2002- EPA), high pH (1996)
Bill Williams River Alamo Lake to Castaneda Wash 15030204-003	35.9 mi	Ammonia (2006)
Boulder Creek Tributary at 344114/1131800 to Wilder Creek 15030202-006B	14.4 mi	Beryllium (dissolved) (2010)
Colorado-Grand Canyon Watershed		
Colorado River Parashant Canyon to Diamond Creek 15010002-003	27.6 mi	Selenium (total) and suspended sediment concentration (2004)
Kanab Creek Jump-up Canyon to Colorado River 15010003-001	12.8 m	Selenium (total) (2016)
Lake Powell 14070006-1130	9770 a	Mercury in fish tissue (2010- EPA)
Paria River Utah border to Colorado River 14070007-123	29.4 mi	Suspended sediment concentration (2004), E. coli (2006), selenium (total) (2016)
Virgin River Sullivan's Canyon to Beaver Dam Wash 15010010-004	9.7 mi	Selenium (total) (2012)
Virgin River Beaver Dam Wash to Big Bend Wash 15010010-003	10.1 mi	Selenium (total) and suspended sediment concentration (2004), E. coli (2010)
Colorado-Lower Gila Watershed		
Colorado River Main Canal to Mexico border 15030107-001	32.2 mi	Selenium (total) (2006)
Painted Rock Borrow Pit Lake 15070201-1010	186 a	Low dissolved oxygen (1992)
Little Colorado Watershed		
Black Canyon Lake 15020010-0180	37.4 a	Ammonia (2010)
Lyman Lake 15020001-0850	1308 a	Mercury in fish tissue (2004- EPA)



Puerco River Dead Wash to Ninemile Wash 15020007-007	0.2 mi	Copper (dissolved) (2010), E. coli (2012/14)
Middle Gila Watershed		
Agua Fria River Sycamore Creek to Big Bug Creek 15070102-023	9.1 mi	E. coli (2010), selenium (total) (2016)
Alvord Lake 15060106B-0050	27 a	Ammonia (2004)
Arnett Creek Headwaters to Queen Creek 15050100-1818	11.1 mi	Copper (dissolved) (2010)
Chaparral Park Lake 15060106B-0300	12 a	Low dissolved oxygen and E. coli (2004)
Cortez Park Lake 15060106B-0410	2 a	Low dissolved oxygen and high pH (2004)
Gila River San Pedro River to Mineral Creek 15050100-008	19.8 mi	Suspended sediment concentration (2006)
Hassayampa River Buckeye Canal to Gila River 15070103-001B *Also on Not Attaining (4A) List	2.3 m	E. coli (2016)
Lake Pleasant 15070102-1100	8000 a	Mercury in fish tissue (2006- EPA)
Mineral Creek Devil's Canyon to Diversion channel 15050100-012B	0.8 mi	Copper (dissolved) (1992), selenium (total) (2004), low dissolved oxygen (2006)
Mineral Creek End of diversion channel to Gila River 15050100-012D	2.2 mi	Copper (dissolved) (1992), selenium (total) (2004), low dissolved oxygen (2006)
Money Metals Trib Headwaters to Unnamed Tributary (UB1) 15070102-123	0.5 m	Copper and zinc (2016)
Queen Creek Headwaters to Superior WWTP discharge 15050100-014A	8.8 mi	Copper (dissolved) (2002), lead (total) (2010), selenium (total) (2012)
Queen Creek Superior WWTP discharge to Potts Canyon 15050100-014B	5.9 mi	Copper (dissolved) (2004)
Queen Creek Potts Canyon to Whitlow Canyon 15050100-014C	8.0 mi	Copper (dissolved) (2010)



Unnamed Trib to Eugene Gulch Headwaters to Eugene Gulch 15070102-1994	0.7 m	Copper (dissolved) (2016)
Unnamed Tributary to Queen Creek (UQ2) Headwaters to Queen Creek 15050100-1000	0.5 mi	Copper (dissolved) (2010)
Unnamed Tributary to Queen Creek (UQ3) Headwaters to Queen Creek 15050100-1843	1.7 mi	Copper (dissolved) (2010)
Salt Watershed		
Apache Lake 15060106A-0070	2,190 a	Low dissolved oxygen(2006) and mercury in fish tissue (2016- EPA)
Canyon Lake 15060106A-0250	450 a	Low dissolved oxygen(2004)
Christopher Creek Headwaters to Tonto Creek 15060105-353 *Also on Not Attaining (4A) List	8 mi	Low dissolved oxygen (2016)
Crescent Lake 15060101-0420	157 a	High pH (2002- EPA)
Five Point Tributary Headwaters to Pinto Creek 15060103-885	2.9 mi	Copper (dissolved) (2006)
Pinto Creek West Fork Pinto Creek to Roosevelt Lake 15060103-018C *Also on Not Attaining (4A) List	17.8 mi	Selenium (total) (2004)
Roosevelt Lake 15060103-1240	18345 a	Mercury in fish tissue (2006- EPA)
Salt River Pinal Creek to Roosevelt Lake 15060103-004	7.5 mi	E. coli (2010)
Tonto Creek Tributary @ 341810/1110414 to Haigler Creek 15060105-013B *Also on Not Attaining (4A) List	8.5 mi	Mercury in fish tissue (2010- EPA)
Tonto Creek Haigler Creek to Spring Creek 15060105-011	7.8 mi	Mercury in fish tissue (2010-EPA)
Tonto Creek Spring Creek to Rye Creek 15060105-009	19.5 mi	Mercury in fish tissue (2010-EPA)



Tonto Creek Rye Creek to Gun Creek 15060105-008	4.7 mi	Mercury in fish tissue (2010-EPA)
Tonto Creek Gun Creek to Greenback Creek 15060105-006	18.6 mi	Mercury in fish tissue (2010-EPA)
Tonto Creek (TON) Greenback Creek to Roosevelt Lake 15060105-004	2.6 m	Mercury in fish tissue (2010-EPA)
San Pedro Watershed		
Aravaipa Creek Aravaipa Cyn Wilderness - San Pedro River 15050203-004C	12.6 m	E. coli (2016)
Brewery Gulch Headwaters to Mule Gulch 15080301-337	1 mi	Copper (dissolved) (2004-EPA and ADEQ 2006/08)
Copper Creek Headwaters - Prospect Canyon 15050203-022A	6.6 m	Copper and selenium (2016), cadmium, iron and zinc (2016- EPA)
Mule Gulch Headwaters to above Lavender Pit 15080301-090A	3 mi	Copper (dissolved) (1990)
Mule Gulch Above Lavender Pit to Bisbee WWTP discharge 15080301-090B	0.8 miles	Copper (dissolved) (1990)
Mule Gulch Bisbee WWTP discharge to Highway 80 bridge 15080301-090C	3.8 mi	Copper (total and dissolved) (1990)
San Pedro River Mexico border to Charleston 15050202-008	28.3 mi	E. coli and copper (dissolved) (2010), dissolved oxygen (2016)
San Pedro River Babocomari Creek to Dragoon Wash 15050202-003	17 mi	E. coli (2004)
Santa Cruz Watershed		
Nogales Wash Mexico border to Potrero Creek 15050301-011	6.2 mi	Ammonia and copper (dissolved) (2004), total residual chlorine (1996), E. coli (1998)
Parker Canyon Lake 15050301-1040	130 a	Mercury in fish tissue (2004- EPA)
Potrero Creek Interstate 19 to Santa Cruz River 15050301-500B	4.9 mi	E. coli, low dissolved oxygen and total residual chlorine (2010)



Santa Cruz River Canada Del Oro to HUC 15050303 15050301-001 *Also on Not Attaining (4B) List	8.6 m	E. coli (2016)
Santa Cruz River Josephine Canyon to Tubac Bridge 15050301-008A	4.8 mi	Ammonia and E. coli (2010)
Santa Cruz River Tubac Bridge - Sopori Wash 15050301-008B	8.9 mi	E. coli (2016)
Santa Cruz River Nogales WWTP - Josephine Can 15050301-009	9.1 mi	E. coli (2012/14)
Sonoita Creek 1600 feet below Patagonia WWTP discharge to Patagonia Lake 15050301-013C	8.9 mi	Zinc (total) (2004), low dissolved oxygen (1998)
Upper Gila River		
Blue River Strayhorse Creek to San Francisco River 15040004-025B	25.4 mi	E. coli (2006)
Gila River Bonita Creek to Yuma Wash 15040005-022 *Also on Not Attaining (4A) List	5.8 mi	Lead (total) (2010)
San Francisco River Blue River to Limestone Gulch 15040004-003	18.7 mi	E. coli (2006)
San Francisco River Limestone Gulch to Gila River 15040004-001	12.8 mi	E. coli (2010)
Verde Watershed		
Bartlett Lake 15060203-0110	2376 a	Mercury in fish tissue (2016- EPA)
Granite Creek Headwaters - Yavapai Reservation 15060202-059A *Also on Not Attaining (4A) List	6.2 mi	Dissolved oxygen (2004- EPA)
Oak Creek Spring Creek to Verde River 15060202-016	12.7 m	E. coli (2016)
Verde River Bartlett Dam to Camp Creek 15060203-004	6.6 mi	Arsenic (total) (2010)



Verde River Sycamore Creek to Oak Creek 15060202-025	25.2 m	Dissolved oxygen and E. coli (2016)
Willow Creek Reservoir 15060202-1660	294 a	Ammonia (2012)

**GOVERNOR EXECUTIVE ORDER**

Executive Order 2018-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order will appear in the Register until its expiration on December 31, 2018, and has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2018-02**Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies**

[M18-46]

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016 and 2017; and

WHEREAS, in 2017 the State of Arizona eliminated or repealed 676 needless regulations; and

WHEREAS, estimates show these eliminations saved job creators more than \$48 million in operating costs; and

WHEREAS, 161,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation; and

WHEREAS, each State agency should evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace, or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
 - j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



6. A State agency subject to this Order, shall review the agency's rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
7. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
9. This Executive Order expires on December 31, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

ATTEST:

Michele Reagan
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired
See also “emergency expired” under emergency rulemaking

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**RULES EFFECTIVE DATES CALENDAR**

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

**REGISTER PUBLISHING DEADLINES**

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
March 23, 2018	April 13, 2018	May 14, 2018
March 30, 2018	April 20, 2018	May 21, 2018
April 6, 2018	April 27, 2018	May 29, 2018
April 13, 2018	May 4, 2018	June 4, 2018
April 20, 2018	May 11, 2018	June 11, 2018
April 27, 2018	May 18, 2018	June 18, 2018
May 4, 2018	May 25, 2018	June 25, 2018
May 11, 2018	June 1, 2018	July 2, 2018
May 18, 2018	June 8, 2018	July 9, 2018
May 25, 2018	June 15, 2018	July 16, 2018
June 1, 2018	June 22, 2018	July 23, 2018
June 8, 2018	June 29, 2018	July 30, 2018
June 15, 2018	July 6, 2018	August 6, 2018
June 22, 2018	July 13, 2018	August 13, 2018
June 29, 2018	July 20, 2018	August 20, 2018
July 6, 2018	July 27, 2018	August 27, 2018
July 13, 2018	August 3, 2018	September 4, 2018
July 20, 2018	August 10, 2018	September 10, 2018
July 27, 2018	August 17, 2018	September 17, 2018
August 3, 2018	August 24, 2018	September 24, 2018
August 10, 2018	August 31, 2018	October 1, 2018
August 17, 2018	September 7, 2018	October 9, 2018
August 24, 2018	September 14, 2018	October 15, 2018
August 31, 2018	September 21, 2018	October 22, 2018
September 7, 2018	September 28, 2018	October 29, 2018
September 14, 2018	October 5, 2018	November 5, 2018
September 21, 2018	October 12, 2018	November 13, 2018
September 28, 2018	October 19, 2018	November 19, 2018
October 5, 2018	October 26, 2018	November 26, 2018
October 12, 2018	November 2, 2018	December 3, 2018



GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> February 5, 2019

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.